# FEDERAL REGISTER

VOLUME 7 NUMBER 195

*Washington, Saturday, October 3, 1942*


## *Regulations*

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter I—Farm Credit Administration

Subchapter A—Administrative Provisions

[Order 361]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

FUNCTIONS, POWERS, AUTHORITY, AND DUTIES OF CHIEF, ADMINISTRATIVE DIVISION

Section 3.70, Title 6, Code of Federal Regulations, as amended (6 F.R. 1809), is further amended to read as follows:

§ 3.70 *Functions, powers, authority, and duties of Chief, Administrative Division.* The Chief, Administrative Division, is authorized and empowered:

(a) To supervise and direct the Administrative Division.

(b) To consult and advise with the Governor, Deputy Governors, and division heads, on matters pertaining to the organization of new activities, the reorganization of existing activities and offices, and general administrative policies.

(c) To sign letters of authorization for travel.

(d) To sign contracts covering the procurement of goods, space, and services other than personnel.

(Sec. 16, 48 Stat. 1221; 12 U.S.C. 1766; E.O. 6084, Mar. 27, 1933; 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940.)

[SEAL] A. G. BLACK, *Governor.*

[F. R. Doc. 42-9792; Filed, October 1, 1942; 3:41 p. m.]

---

### TITLE 30—MINERAL RESOURCES

#### Chapter III—Bituminous Coal Division

[Docket No. A-1606]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

*It is ordered,* That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R-I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R-II, § 333.7 (*Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R-III, § 333.24 (*General prices*) is amended by adding thereto Supplement R-IV, § 333.25 (*Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) is amended by adding thereto Supplement V, § 333.27 (*Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the State of Tennessee and Alabama*) is amended by adding thereto Supplement R-VI, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-II and T-III, which supplements are hereinafter set forth and hereby made a part hereof.

*It is further ordered,* That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES


| | Page |
|---|---|
| BITUMINOUS COAL DIVISION: | |
| Extent of change of costs of minimum price areas; review of questions of law and policy | 7859 |
| Farmers Union State Exchange, Omaha, Neb.; supplementary order | 7862 |
| Haney Coal Co.; findings of fact | 7863 |
| Minimum price schedules amended: | |
| District 3 | 7823 |
| District 13 | 7823 |
| Noeth, Fred; registration suspended | 7862 |
| Waltrip and Sons, cease and desist order | 7864 |
| CIVIL AERONAUTICS BOARD: | |
| American Export Airlines, Inc.; notice of further argument | 7865 |
| COAST GUARD: | |
| Explosives, etc.; transportation on board vessel | 7846 |
| FARM CREDIT ADMINISTRATION: | |
| Administrative division; functions, powers, etc | 7823 |
| OFFICE OF PRICE ADMINISTRATION: | |
| Adjustments, etc.: | |
| Burns, J. W., Leather Co., Inc | 7846 |
| Davis, Nelson, and Son | 7867 |
| District of Columbia | 7834 |
| du Pont de Nemours, E. I., and Co., Inc | 7846 |
| Herman Sausage Factory, Inc | 7867 |
| Middlesex County House of Correction | 7866 |
| Oliver Iron and Steel Corp | 7866 |
| Pittsburgh Screw and Bolt Corp | 7866 |
| Western Maryland Railway Co | 7866 |
| Cleaners, new household vacuum, etc. (MPR 111, Am. 5) | 7839 |
| Heels, rubber, etc. (MPR 200, (Am. 2) | 7835 |
| Logs, West coast (MPR 161, Am. 3) | 7839 |
| Machines, new (RPS 67, Am. 17) | 7834 |
| Meat restriction (Restriction Order 1) | 7839 |


(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Telephone information: DIstrict 0525.

CONTENTS—Continued

| | Page |
|---|---|
| OFFICE OF PRICE ADMINISTRATION—Continued. | |
| Petroleum, etc. (RPS 88, Am. 32) | 7838 |
| Puerto Rico; sale of cigarettes (MPR 183, Am. 4) | 7843 |
| Spices, raw, etc. (MPR 231) | 7844 |
| Tires and tubes, retreading, etc. (Rev. Tire Rationing Reg. 1, Am. 34) | 7834 |
| SECURITIES AND EXCHANGE COMMISSION: | |
| Hearings: | |
| National Gas and Electric Corp | 7867 |
| New England Gas and Electric Assn | 7869 |
| Northwest Carolina Utilities, Inc | 7868 |
| WAGE AND HOUR DIVISION: | |
| Learner employment certificates; various industries | 7864 |
| WAR PRODUCTION BOARD: | |
| Automotive vehicles subject to rationing by Federal agencies (M–216, Am. 1) | 7834 |
| Batteries, dry cell, etc. (L–71) | 7831 |
| Beds, springs and mattresses (L–49, Interpretation 1) | 7831 |
| Caskets, etc. (L–64–a) | 7831 |
| Construction (L–41–b) | 7830 |
| Export ratings assigned (Priorities Reg. 9 as amended) | 7828 |
| Furniture, wood upholstered (L–135, Interpretation 1) | 7833 |
| Iron and steel conservation (M–126, Am. 7) | 7833 |
| Petroleum, production, transportation, etc. (P–98–d) | 7830 |
| Suspension orders: | |
| Athos Steel Service (S–104) | 7830 |
| Halitosine Co. (S–92) | 7829 |
| Republic Metals and Roofing Materials, Inc. (S–91) | 7829 |
| Standard Electric Sales Co. (S–94) | 7829 |

filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered,* That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein as to the coals of the #55 Mine (Mine Index No. 1863) of Verdell Davis for truck shipment since such relief has previously been granted the coals of this mine in Dockets Nos. A–171 and A–205 when it was operated by Poe & Davis.

No relief is granted herein for the coals of the Duncan & Glenn Mine of Duncan & Glenn for the reason that records of the Division indicate that no code acceptance has been received for these producers.

The original petition proposed relief for the coals of the Sharit & Robbins Mine of Sharit & Robins. Records of the Division indicate that the proper name of this mine is the Beth Mine and that it is operated by Robbins & Sharritt (Willard Sharritt). Accordingly, relief has been granted for the coals of this mine under the latter designation.

Dated: September 21, 1942.

[SEAL] DAN H. WHEELER,
*Acting Director.*

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

### § 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

| Mine index No. | Code member | Mine | Subdistrict | Seam | Freight origin group |
|---|---|---|---|---|---|
| | BIBB COUNTY, ALA. | | | | |
| [1] 1599 | Cooke & Gray (J. M. Gray) | Cooke & Gray (Strip) | 1 | Thompson | 160 |
| [1] 1623 | Cooke & Gray (J. M. Gray) | Cooke & Gray (Deep) | 1 | Thompson | 160 |
| | BLOUNT COUNTY, ALA. | | | | |
| [2] 1653 | Martin, Willie | Self Creek #1 | 1 | Black Creek | 31 |
| [2] 1650 | Robbins & Sharritt (Willard Sharritt) | Beth | 1 | Black Creek | 31 |
| [2] 1652 | Skinner, R. S | Self Creek #2 | 1 | Black Creek | 31 |
| | JEFFERSON COUNTY, ALA. | | | | |
| [3] 1640 | Leslie, Willie R | Ridell #1 | 1 | Black Creek | 31 |
| [4] 1657 | Lollar, E. E | Lollar #5 | 1 | Nickel Plate | 80 |
| [5] 1591 | Sloss Sheffield Steel & Iron Co | Bessie | | Mary Lee | 80 |
| [6] 1647 | Crick, T. T | Wilburn Smith #1 | 1 | Black Creek | 101 |
| [6] 1648 | Crick, T. T | Wilburn Smith #2 | 1 | Black Creek | 101 |
| [6] 1649 | Crick, T. T | Wilburn Smith #3 | 1 | Black Creek | 101 |
| [7] 1607 | Gann & Gann (Claud Gann) | Gann #1 | 1 | Black Creek | 101 |
| [7] 1608 | Gann & Gann (Claud Gann) | Gann #2 | 1 | Black Creek | 101 |
| [7] 1609 | Gann & Gann (Claud Gann) | Gann #3 | 1 | Black Creek | 101 |
| [7] 1610 | Gann & Gann (Claud Gann) | Gann #4 | 1 | Black Creek | 101 |
| [7] 1611 | Gann & Gann (Claud Gann) | Gann #5 | 1 | Black Creek | 101 |
| [7] 1612 | Gann & Gann (Claud Gann) | Gann #6 | 1 | Black Creek | 101 |
| [7] 1613 | Gann & Gann (Claud Gann) | Gann #7 | 1 | Black Creek | 101 |
| [7] 1614 | Gann & Gann (Claud Gann) | Gann #8 | 1 | Black Creek | 101 |
| [7] 1615 | Gann & Gann (Claud Gann) | Gann #9 | 1 | Black Creek | 101 |
| [7] 1616 | Gann & Gann (Claud Gann) | Gann #10 | 1 | Black Creek | 101 |
| [7] 1617 | Gann & Gann (Claud Gann) | Gann #11 | 1 | Black Creek | 101 |
| [7] 1618 | Gann & Gann (Claud Gann) | Gann #12 | 1 | Black Creek | 101 |

[1] Shipping Point: Belle Ellen, Ala. Railroad: L&N. These mines shall have in Size Groups 1, 2, and 19, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 4 (Little Cahaba Coal Company, Piper mine, Price Schedule No. 1): and in Size Groups 7, 22 and 23, on each such table, these mines shall have prices which are 10¢ less than those respectively listed in Size Groups 6, 17 and 18 for said Mine Index No. 4.

[2] Shipping Point: Warrior, Ala. Railroad: L&N. These mines shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is shown thereon for Size Group 12 as shipped from Mine Index No. 76 (Moss & McCormack Coal Company, Carbon mine, Price Schedule No. 1).

[3] Shipping Point: Warrior, Ala. Railroad: L & N. This mine shall have in Size Group 13, on each respective price table, a price which is 10¢ less than is shown thereon for Size Group 12 as shipped from Mine Index No. 76 (Moss & McCormack Coal Company, Carbon mine, Price Schedule No. 1).

[4] Shipping Point: Brookside, Ala. Railroad: So. Ry. This mine shall have in Size Group 13, on each respective price table, a price which is 5¢ less than is listed in this respective size group for Mine Index No. 71 (Brookside-Pratt Mining Company, Blossburg "E" mine, Price Schedule No. 1).

[5] Shipping Point: Maben, Ala. Railroad: SL-SF. This mine shall have in Size Groups 1, 2, 6, 12, 14, 15, 16, 17, 18, and 24, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 46 (Sloss-Sheffield Steel & Iron Company, Lewisburg mine, Price Schedule No. 1).

[6] Shipping Point: Glen Allen, Ala. Railroad: SL-SF. These mines shall have in Size Group 1, on each respective price table, the same price as is shown for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Price Schedule No. 1): and in Size Groups 7 and 23, on each such table, these mines shall have prices which are 10¢ less than are listed in Size Groups 6 and 18 for said Mine Index No. 18. These mines shall have in Size Group 13, on each respective price table, a price which is 10¢ higher than is listed thereon for Mine Index No. 14 (Galloway Coal Company, Hope mine, Price Schedule No. 1).

[7] Shipping Point: Glen Allen, Ala. Railroad: SL-SF. These mines shall have in Size Groups 1, 2, 4, and 20, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Price Schedule No. 1): and in Size Groups 7, 22 and 23, on each such table, these mines shall have prices which are 10¢ less than are listed in Size Groups 6, 17 and 18 thereon for said Mine Index No. 18: and in Size Group 20, on each such table, these mines shall have a price which is 5¢ higher than is listed in Size Group 17 for said Mine Index No. 18. These mines shall have in Size Group 11, on each respective price table, the same price as is listed for Mine Index No. 20 (Bowlin, W. H., Burnright Coal mine, Price Schedule No. 1). These mines shall have in Size Groups 13 and 19, on each respective price table, prices which are 10¢ higher than are listed thereon for Mine Index No. 14 (Galloway Coal Company, Hope mine, Price Schedule No. 1).

## § 333.6 *General prices*—Supplement R–I—Continued

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

| Mine Index No. | Codo member | Mine | Subdistrict | Seam | Freight origin group |
|---|---|---|---|---|---|
| | MARION COUNTY, ALA.—con. | | | | |
| 865 | Huguley, Monroe | Colburn's #4 | 1 | Black Creek | 60 |
| [9] 466 | Pato & Son (Sterling Pato) | Pato & Son | 1 | Black Creek | 101 |
| [9] 1254 | Pato & Son (Sterling Pato) | Pato Coal Company | 1 | Black Creek | 101 |
| | TUSCALOOSA COUNTY, ALA. | | | | |
| [10] 1054 | Nicholson, James | Nicholson #5 | 1 | Milldale | 44 |
| | WALKER COUNTY, ALA. | | | | |
| [11] 1366 | Cunningham, Hugh | Cunningham | 1 | Mary Lee | 101 |
| | WINSTON COUNTY, ALA. | | | | |
| [12] 1645 | Rowell, Amos | Twin Arrow #2 | 1 | Black Creek | 111 |
| [12] 1646 | Tittle, Owen | Twin Arrow #3 | 1 | Black Creek | 111 |

[9] Shipping Point: Brilliant, Ala. Railroad: I. C. R. R. This mine shall have in Size Groups 1, 2, 4, 6, and 18, on each respective price table, the same prices as are listed in those respective size groups for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Price Schedule No. 1).

[9] Shipping Point: Glen Allen, Ala. Railroad: SL–SF. These mines shall have in Size Group 13, on each respective price table, a price which is 10¢ higher than is shown in this respective size group for Mine Index No. 14 (Galloway Coal Company, Hopo mine, Price Schedule No. 1). These mines shall have in Size Group 22, on each respective price table, a price which is 10¢ less than is listed in Size Group 17 for Mine Index No. 18 (Brilliant Coal Company, Brilliant mine, Price Schedule No. 1.).

[10] Shipping Point: Brookwood, Ala. Railroad: L&N. This mine shall have in Size Group 13, on each respective price table, the same price as is shown for Mine Index No. 14 (Galloway Coal Company, Hopo mine, Price Schedule No. 1). This mine shall have in Size Groups 22 and 23, on each respective price table, the same prices as are shown in Size Groups 17 and 18 for Mine Index No. 17 (Southern Coal & Coke Company, Beatiten mine, Price Schedule No. 1).

[11] Shipping Point: Hillard, Ala. Railroad: SL–SF. New shipping point, railroad, and Freight Origin Group. Shipping point at Jasper, Ala., on So. Ry. in Freight Origin Group 100 shall no longer be applicable.

[12] Shipping Point: Natural Bridge, Ala. Railroad: So. Ry. These mines shall have in Size Group 13, on each respective price table, the same price as is listed for Mine Index No. 14 (Galloway Coal Company, Hopo mine, Price Schedule No. 1); and in Size Groups 22 and 23, on each such table, this mine shall have prices which are 10¢ less than are shown in Size Groups 17 and 18 for said Mine Index No. 14.

## § 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices F. O. B. mines for shipment to all railroads and for exclusive use of railroads. The following prices apply on coal for use in railroad locomotives and powerhouse plants. For station heating, use in dining cars, or other uses than stated above, commercial prices as listed in other sections of this price schedule shall apply]

| For all mines in Subdistrict No. 1. Mine Index No. | For all sizes customarily furnished railroads for locomotive fuel | | | | |
|---|---|---|---|---|---|
| | Central [1] of Georgia | Seaboard [1] Air Line Railway | St. Louis and San Francisco Railroad for consignment west of the Mississippi River | St. Louis and San Francisco Railroad for consignment east of the Mississippi River | All other Railroads not specifically shown |
| 805, 1591, 1593, 1599, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1623, 1640, 1645, 1646, 1654, 1657. | 220 | 220 | 200 | 220 | 220 |

[1] Prices listed for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system.

## § 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

| Subdistrict No. 1. Mine Index No. | Size groups and prices applicable for steamship vessel fuel | | | | |
|---|---|---|---|---|---|
| | Mine group | 14, 15, 16, 17, 18 | 12 | 13 | 23 |
| 805 | Black Creek | 235 | 235 | | |
| 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1645, 1646. | Black Creek | | | 235 | 275 |
| 1608 | Cahaba | 270 | | 270 | |
| 1591 | Carbon Hill Big Seam | 245 | | | |

## § 333.24 *General prices*—Supplement R–IV

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

| Mine Index No. | Codo member | Mine | Subdistrict | Seam | Freight origin group |
|---|---|---|---|---|---|
| | HAMILTON COUNTY, TENN. | | | | |
| [1] 693 | Barnes & McLain (J. R. Barnes) | Suck Creek | 3 | #10 | 210 |
| [1] 1025 | Hill, Phillip | Hill | 3 | #3 | 210 |
| 1023 | Levi Brothers (W. M. Levi) | Levi Brothers | 3 | #10 | 210 |
| [1] 837 | Levi, Cecil V | Levi | 3 | Soddy #10 | 210 |
| [1] 1033 | Perkins, L. M | Perkins | 3 | #10 | 210 |
| [1] 869 | Pickett Brothers | Hickman | 3 | #10 | 210 |
| [1] 705 | Spangler, D. S | Spangler | 3 | Soddy #10 | 210 |
| [1] 912 | Thomas, H. R | Hannah | 3 | #10 | 210 |
| [1] 703 | Thomas, H. R | H. R. Thomas | 3 | Soddy #10 | 210 |
| | MARION COUNTY, TENN. | | | | |
| [2] 710 | Abel, D. W | Abel | 3 | Soddy #10 | 210 |
| [2] 1537 | Cain, George D | Cain #2 | 3 | Sewanee | 210 |
| [2] 146 | Oak Hill Mining Co. (I. D. Lawrence) | Oak Hill | 3 | Sewanee | 210 |
| [2] 1033 | Phillips, J. T | Phillips | 3 | Sewanee | 210 |
| | SEQUATCHIE COUNTY, TENN. | | | | |
| [1] 1227 | Cain, George D. (see NOTE) | Cain | 3 | Sewanee | 210 |
| [1] 729 | Patton Coal Mining Co | Jenita | 3 | Sewanee | 210 |
| [1] 709 | Roberson Fork Coal Co. (R. H. Anderson) | Sexton | 3 | Sewanee | 210 |

[1] Shipping Point: Platt Siding, North Chattanooga, Tenn. Railroad: Chattanooga Traction Company R. R. On each respective price table except that for Market Area 112 each of the above mines shall have a price in each size group which is 10¢ less than that respectively listed for Mine Index No. 95 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1); and on the price table for Market Area 112 each of said mines shall have in each size group a price which is 7½¢ higher than that listed for said Mine Index No. 95.

[2] Shipping Point: Platt Siding, North Chattanooga, Tenn. Railroad: Chattanooga Traction Company R. R. On each respective price table except that for Market Area 112 this mine shall have a price in each size group which is 10¢ less than that respectively listed for Mine Index No. 95 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1); and on the price table for Market Area 112 this mine shall have in each size group a price which is 7½¢ higher than that listed for said Mine Index No. 95.

[3] Shipping Point: Platt Siding, North Chattanooga, Tenn. Railroad: Chattanooga Traction Company R. R. On each respective price table except that for Market Area 112 each of the above mines shall have in each size group the same respective price as is listed for Mine Index No. 95 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1); and on the price table for Market Area 112 each of said mines shall have in each size group a price which is 8½¢ higher than that listed for said Mine Index No. 95.

[4] Shipping Point: Platt Siding, North Chattanooga, Tenn. Railroad: Chattanooga Traction Company R. R. On each respective price table except that for Market Area 112 each of the above mines shall have in each size group the same respective price as is shown for Mine Index No. 95 (Tennessee Products Corporation, Whitwell mine, Price Schedule No. 1); and on the price table for Market Area 112 each of said mines shall have in each size group a price which is 8½¢ higher than that listed for said Mine Index No. 95.

NOTE. Shipping point and prices shown in §333.24, Supplement R–IV, Docket No. A–1481, 7 F. R. 5701, for Mine Index No. 1227, Cain mine, George D. Cain, shall no longer be applicable and therefore should be considered as cancelled.

§ 333.25 *Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*—Supplement R–V

[Prices f. o. b. mines for shipment to all railroads for locomotive fuel, station heating, power plants and other uses]

| For mines in subdistrict No. 3, Mine Index No. | Size | Price |
|---|---|---|
| 146, 729, 730, 1537, 1602, 1606, 1594. | For all sizes except screenings. | 225 |
| | Screenings with top size not more than 2". | 215 |
| 690, 706, 708, 716, 837, 869, 912, 923, 1025, 1093. | For all sizes except screenings. | 220 |
| | Screenings with top size not more than 2". | 215 |

FREE ALONGSIDE DELIVERIES

§ 333.27 *Prices for shipment by river (free alongside) for all uses (except for railway locomotive fuel) for delivery via the Tennessee River to f. a. s. consumers in the States of Tennessee and Alabama*—Supplement R–VI

| Code member index | Mine | Mine index No. | Subdistrict | Seam | Lump: Over 2"; egg: top size over 6" | Egg: top size 6" and under; bot. size 2" under | Lump: 2" and under | Nut: Top size 2" and under; bot. size 1" and under | Stoker: Top size 1½" and under; bot. size ½" and under | Stoker: Top size ¾" and under; bot. size ⅜" and under | Straight and modified M/R | Resultants: 8" and under | Resultants: 4" and under | Screenings: 2" and under | Screenings: 1½" and under | Screenings: 1¼" and under | Screenings: ¾" and under | Screenings: ⅜" and under | Industrial coal [2] |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| TENNESSEE-GEORGIA | | | | | | | | | | | | | | | | | | | |
| MARION COUNTY, TENN.[1] | | | | | | | | | | | | | | | | | | | |
| Gilliam, E. S. | E. S. Gilliam #2 | 1644 | 5 | Sewanee | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 235 | 235 | 205 | 205 | 205 | 200 | 165 | 260 |

[1] Subdistrict 5.

[2] For sizes included see Size Group Table, § 333.22.

FOR TRUCK SHIPMENTS

§ 333.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

| Code member index | Mine | Mine index No. | Subdistrict | Seam | Lump: Over 2"; egg: Top size over 6" | Egg: Top size 6" and under | Lump: 2" and under | Nut: Top size 3" and under; bot. size over ½" | | Chestnut: Top size 3" and under bot. size ½" and under | | Chestnut: Top size 1½" and under; bot. size ½" and under | | Run of mine, modified R/M | Resultants: 3" and under | | Screenings: 1½" and under | | *Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Wash | Raw | Wash | Raw | Wash | Raw | Raw | Wash | Raw | Wash | Raw | |
| | | | | | 1 | 2 | 3 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 17 | 22 | 18 | 23 | 24, 25, 26 |
| ALABAMA | | | | | | | | | | | | | | | | | | | |
| BLOUNT COUNTY | | | | | | | | | | | | | | | | | | | |
| Martin, Willie | Self Creek #4 | 1653 | 2 | Black Creek | 355 | 355 | 340 | 345 | 325 | 310 | 300 | 295 | 285 | 285 | 275 | 265 | 265 | 250 | 235 |
| Robbins & Sharritt (Willard Sharritt) | Beth | 1650 | 2 | Black Creek | 355 | 355 | 340 | 345 | 325 | 310 | 300 | 295 | 285 | 285 | 275 | 265 | 265 | 250 | 235 |
| Skinner, R. S. | Self Creek #2 | 1652 | 2 | Black Creek | 355 | 355 | 340 | 345 | 325 | 310 | 300 | 295 | 285 | 285 | 275 | 265 | 265 | 250 | 235 |
| Towns, T. M. | Berry Mt. | 1637 | 2 | Berry Mountain | 365 | 365 | 340 | 335 | 315 | 315 | 290 | 300 | 275 | 275 | 275 | 265 | 265 | 250 | 275 |
| JEFFERSON COUNTY | | | | | | | | | | | | | | | | | | | |
| Ingram & Isbell (Sam P. Ingram) | Possum Hollow | 1635 | 2 | Upper Nunnally | 280 | 280 | 275 | 295 | 275 | ------ | ------ | 270 | 250 | 230 | 235 | 200 | 230 | 180 | 230 |
| Leslie, Willie R. | Ridell #1 | 1649 | 2 | Black Creek | 355 | 355 | 340 | 345 | 325 | 310 | 300 | 295 | 285 | 285 | 275 | 265 | 265 | 250 | 235 |
| Lollar, E. E. | Lollar #5 | 1657 | 2 | Nickle Plate | 290 | 290 | 280 | 285 | 275 | ------ | ------ | 275 | 250 | 245 | 260 | 240 | 255 | 230 | 245 |
| Mulvehill & Cato (Willie Mulvehill) | Mulvehill & Cato | 1633 | 2 | Black Creek | 355 | 355 | 340 | 345 | 325 | 310 | 300 | 295 | 285 | 285 | 275 | 265 | 265 | 250 | 235 |
| Sloss-Sheffield Steel & Iron Company | Bessie | 1591 | 2 | Mary Lee | 275 | 275 | ------ | 295 | ------ | ------ | ------ | ------ | ------ | 230 | 235 | ------ | 230 | ------ | 240 |

| Code member index | Mine | Mine index No. | Sub-district | Seam | Lump: Over 2"; egg: Top size over 6" | Egg: Top size 6" and under | Lump: 2" and under | Nut: Top size 3" and under; bot. size over ½" | | Chestnut: Top size 3" and under bot. size ½" and under | | Chestnut: Top size 1¼" and under; bot. size ½" and under | | Run of mine, modified R/M | Resultants: 3" and under | | Screenings: 1½" and under | | *Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Wash | Raw | Wash | Raw | Wash | Raw | Raw | Wash | Raw | Wash | Raw | |
| | | | | | 1 | 2 | 3 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 17 | 22 | 18 | 23 | 24, 25, 26 |
| MARION COUNTY | | | | | | | | | | | | | | | | | | | |
| Crick, T. T. | Wilburn Smith #1 | 1647 | 2 | Black Creek | 385 | 385 | 360 | 335 | 315 | 315 | 305 | 310 | 300 | 290 | 275 | 265 | 265 | 225 | 290 |
| Crick, T. T. | Wilburn Smith #2 | 1648 | 2 | Black Creek | 385 | 385 | 360 | 335 | 315 | 315 | 305 | 310 | 300 | 290 | 275 | 265 | 265 | 225 | 290 |
| Crick, T. T. | Wilburn Smith #3 | 1649 | 2 | Black Creek | 385 | 385 | 360 | 335 | 315 | 315 | 305 | 310 | 300 | 290 | 275 | 265 | 265 | 225 | 290 |
| Harbin, Andrew & Clarence Martin (Clarence Martin). | Harbin & Martin | 1629 | 2 | Black Creek | 385 | 385 | 360 | 335 | 315 | 315 | 305 | 310 | 300 | 290 | 275 | 265 | 265 | 225 | 290 |
| Powell, W. A. | Holcomb Hill #5 | 1604 | 2 | Black Creek | 385 | 385 | 360 | 335 | 315 | 315 | 305 | 310 | 300 | 290 | 275 | 265 | 265 | 225 | 290 |
| Powell, W. A. | Holcomb Hill #6 | 1605 | 2 | Black Creek | 385 | 385 | 360 | 335 | 315 | 315 | 305 | 310 | 300 | 290 | 275 | 265 | 265 | 225 | 290 |
| Powell & McGuire (W. A. Powell) | Holcomb Hill #1 | 1641 | 2 | Black Creek | 385 | 385 | 360 | 335 | 315 | 315 | 305 | 310 | 300 | 290 | 275 | 265 | 265 | 225 | 290 |
| TUSCALOOSA COUNTY | | | | | | | | | | | | | | | | | | | |
| Nicholson, James | Nicholson #5 | 1654 | 2 | Millidale | 355 | 355 | 340 | 345 | 325 | 310 | 300 | 295 | 285 | 285 | 275 | 265 | 265 | 230 | 285 |
| Snider, W. G. | Evans | 1659 | 2 | Carter | 355 | 355 | 340 | 345 | 325 | 310 | 300 | 295 | 285 | 285 | 275 | 265 | 265 | 250 | 285 |
| WALKER COUNTY | | | | | | | | | | | | | | | | | | | |
| Gravitt, L. V. | Baltimore | 1643 | 2 | America | 290 | 290 | 280 | 285 | 275 | ..... | ..... | 275 | 250 | 245 | 250 | 240 | 235 | 220 | 245 |
| Lockart, Tommy | Lockart #2 | 1659 | 2 | Mary Lee | 275 | 275 | 275 | 265 | 275 | 250 | 250 | 270 | 250 | 225 | 235 | 230 | 220 | 190 | 225 |
| WINGTON COUNTY | | | | | | | | | | | | | | | | | | | |
| Rowell, Amos | Twin Arrow #2 | 1645 | 2 | Black Creek | 385 | 385 | 360 | 335 | 315 | 315 | 305 | 310 | 300 | 290 | 275 | 265 | 265 | 225 | 290 |
| Tittle, Owen | Twin Arrow #3 | 1646 | 2 | Black Creek | 385 | 385 | 360 | 335 | 315 | 315 | 305 | 310 | 300 | 290 | 275 | 265 | 265 | 225 | 290 |

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

| Code member index | Mine | Mine index No. | Sub-district | Seam | Lump: Over 2"; egg: Top size over 2" | Egg: Top size 2" and under; bot. size ¾" and under | Lump: 2" and under | Nut: Top size 2" and under; bot. size 1" and under | Stoker: Top size 1½" and under; bot. size ¼" and under | Stoker: Top size ¾" and under; bot. size ¼" and under | Stoker and modified R/M | Resultants: 5" and under | Resultants: 4" and under | Screenings: 2" and under | Screenings: 1¼" and under | Screenings: 1¼" and under | Screenings: ¾" and under | Screenings: ¾" and under | Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | |
| TENNESSEE—GEORGIA | | | | | | | | | | | | | | | | | | | |
| BLEDSOE COUNTY, TENN. | | | | | | | | | | | | | | | | | | | |
| Ward, C. L. | Mete #3 | 1633 | 4 | Soddy #13 | 305 | 305 | 295 | 270 | 240 | 230 | 225 | 225 | 225 | 205 | 205 | 195 | 190 | 165 | 230 |
| HAMILTON COUNTY, TENN. | | | | | | | | | | | | | | | | | | | |
| Yother & Son & George Bomars (W. W. Yother). | Stob #7 | 1639 | 4 | No. 7 | 315 | 315 | 305 | 260 | ..... | ..... | 235 | 235 | 235 | 205 | 205 | 195 | 190 | 165 | 260 |
| MARION COUNTY, TENN. | | | | | | | | | | | | | | | | | | | |
| Dalton, Lee | Dalton | 1623 | 4 | Battle Creek | 340 | 340 | 320 | 260 | 230 | 245 | 235 | 235 | 235 | 205 | 205 | 195 | 175 | 140 | 235 |
| Gilliam, E. S. | E. S. Gilliam #2 | 1644 | 4 | Sewance | 315 | 315 | 305 | 250 | 230 | 245 | 235 | 235 | 235 | 205 | 205 | 205 | 200 | 165 | 260 |
| Meeks & Makerson (James Rogers, Jr.) | Number 11 | 1630 | 4 | Sewance | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 235 | 235 | 205 | 205 | 205 | 200 | 165 | 260 |
| DADE COUNTY, GA. | | | | | | | | | | | | | | | | | | | |
| Chapman, H. J. | Chapman | 1604 | 4 | Etna | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 235 | 235 | 225 | 225 | 215 | 205 | 175 | 260 |

[1] For sizes included see Size Group Table, § 333.42.

§ 333.43 *General prices in cents per net ton for shipment into all market areas—* Supplement T–III

| Code member index | Mine | Mine index No. | Subdistrict | Seam | Base sizes | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Lump over 2" egg 4" x 6" | Lump 2" and under; egg 3" x 6" | Lump ¾" and under | Egg 2" x 4"; egg 2" x 6" | Stove 3" and under; nut 2" and under | Straight mine run | 2" and under slack | ¾" and under slack |
| | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| TENNESSEE | | | | | | | | | | | | |
| WHITE COUNTY | | | | | | | | | | | | |
| Prater, Denton & Simon Lane (Denton Prater). | Bon Air #1½---- | 1620 | 4 | Bon Air (Lower Vein). | 250 | 230 | 205 | 210 | 185 | 195 | 135 | 130 |

[F. R. Doc. 42–9764; Filed, October 1, 1942; 11:36 a. m.]

---

[Docket No. A–1535]

## PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER CORRECTING SCHEDULE, ETC.

Order correcting schedule annexed to order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board 3 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3.

On July 31, 1942, 7 F.R. 6242, an order granting temporary relief and conditionally providing for final relief was issued in this matter.

It appears that § 323.6 (*Alphabetical list of code members*) Supplement R–IV annexed to and made a part of this order designates Mine Index No. 762 as the "Talbert (Bolair)" Mine of code member "Talbert, W. A." The correct name of this mine is "Bolair," and the correct name of the operator is "Russell Talbert."

*Now, therefore, it is ordered,* That § 323.6 (*Alphabetical list of code members*) to the said order of July 31, 1942, be amended by deleting therefrom, with reference to Mine Index No. 762, the mine name of "Talbert (Bolair)" and the operator's name of "Talbert, W. A." and by substituting in lieu thereof the mine name "Bolair" and the operator's name of "Russell Talbert."

*It is further ordered,* That in all other respects said order of July 31, 1942, be, and it hereby is, continued in full force and effect.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42–9812; Filed, October 2, 1942; 10:13 a. m.]

---

# TITLE 32—NATIONAL DEFENSE

## Chapter IX—War Production Board

### Subchapter B—Director General for Operations

## PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 9, as Amended October 1, 1942]

EXPORT RATINGS ASSIGNED ON FORM PD–311 OR OTHER PRESCRIBED FORMS

Section 944.30 *Priorities Regulation 9,*[1] is hereby amended to read as follows:

§ 944.30 *Priorities Regulation 9*—(a) *Forms for export; scope of regulation.* Preference Ratings for export may hereafter be assigned on Form PD–311 pursuant to application on such Form filed by or in the name of the person desiring the export of the material involved. Such person is hereinafter referred to as the applicant, which term shall also include any agency authorized to place purchase orders for such person. This regulation shall be applicable to ratings assigned on such form or any other form prescribed exclusively for exports which by its terms is expressly subject to this regulation.

(b) *Application and extension of ratings.* (1) One copy of Form PD–311 will be returned to the applicant indicating the ratings assigned to deliveries of materials specified thereon. Such ratings shall be applied and extended only in the manner provided in (2) and (3) below.

(2) The applicant, in order to apply a preference rating assigned pursuant to the provisions of this regulation, must have received an export license, a statement of export clearance, or a statement of authority to export (or a copy thereof if authorized by the issuing agency) and must endorse on, or attach to, each contract or purchase order placed by him to which such a rating is to be applied, a certification in the following form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

CERTIFICATION

The undersigned purchaser hereby represents to the seller and to the War Production Board that he has received an export license, a statement of export clearance, or a statement of authority to export, that he is entitled to apply the preference ratings indicated opposite the items shown in this purchase order, and that such application is in accordance with Priorities Regulation No. 9, as amended, with the terms of which the undersigned is familiar.

---------- ----------
(Name of purchaser) (Address)

By ---------- ----------
(Signature and title of duly authorized officer) (Date)

The person receiving the certification and rating shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Each person applying ratings must maintain at his regular place of business all documents, including purchase orders and preference rating orders and certificates, upon which he relies as entitling him to apply such ratings, segregated and available for inspection by representatives of the War Production Board, or filed in such manner that they can be readily segregated and made available for such inspection.

(3) A supplier with whom a purchase order or contract has been placed for a delivery to the applicant, to which purchase order or contract the rating has been applied as provided in (2) above, may extend such rating to his suppliers and they may in turn extend such rating to their suppliers only in conformity with the applicable provisions of Priorities Regulations Nos. 3 and 11, as such regulations may be amended from time to time.

(c) *Effect of revocation.* If the export license, statement of export clearance or statement of authority to export any material is revoked, any preference rating subject to this regulation which has been assigned to the delivery of material shall be automatically cancelled, as regards delivery to the applicant; and no delivery of such material shall be made to or received by the applicant. As regards each supplier of the applicant or of another supplier, who has extended such rating, it shall likewise be automatically cancelled, and each such supplier shall promptly notify his suppliers of such cancellation: *Provided, however,* That if, in the opinion of any supplier, cancellation of the rating would seriously interfere with any program of war work, he may make application in writing to the Director General for Operations, Washington, D. C., Att: Office of Petroleum Coordinator for War, requesting continuation of the rating. The Director General for Operations may thereupon grant such relief as he may deem appropriate.

This amendment shall take effect immediately.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7

[1] 7 F.R. 3075.

F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9808; Filed, October 1, 1942; 4:30 p. m.]

---

PART 1010—SUSPENSION ORDERS

[Suspension Order S-91]

REPUBLIC METALS AND ROOFING MATERIALS, INC.

Republic Metals and Roofing Materials, Inc., Chicago, Illinois, is a steel warehouse as defined in Supplementary Order M-21-b and is subject to the provisions of that order. During the calendar quarter beginning January 1, 1942 and ending March 31, 1942, the Company accepted from its producer or producers deliveries of 44.5 tons of Schedule A Steel Products which was 18.2 tons in excess of the quota established for the company by the War Production Board. The acceptance of excessive deliveries of Schedule A Steel Products constituted a violation of Supplementary Order M-21-b, which has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing,

*It is hereby ordered,* That:

§ 1010.91 *Suspension order S-91.* (a) During the calendar quarter beginning October 1, 1942 and ending December 31, 1942, no quota of Schedule A Steel Products shall be established for Republic Metals and Roofing Materials, Inc., its successors and assigns, under the provisions of Supplementary Order M-21-b, as amended, and Republic Metals and Roofing Materials, Inc., its successors and assigns, shall not accept deliveries of any Schedule A Steel Products, unless specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Republic Metals and Roofing Materials, Inc., its successors and assigns, from any restrictions, prohibitions or provisions contained in any other order or regulation of the Director General for Operations except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 1, 1942, and shall expire on December 31, 1942, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9805; Filed, October 1, 1942; 3:58 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-92]

HALITOSINE CO.

Halitosine Company, Saint Louis, Missouri, is a corporation engaged in the manufacture of mouthwashes, rubbing alcohol and similar products. During the second quarter of 1942 the company, under the restrictions of General Preference Order M-30, was permitted to accept delivery of only 2270.73 gallons of ethyl alcohol for use in the manufacture of mouth washes. Despite this limitation, the company accepted delivery of 4163 gallons of ethyl alcohol for that purpose or 1892.27 gallons more than it was permitted to receive. This constituted a violation of General Preference Order M-30.

During the first quarter of 1942 the company, under the restrictions of General Preference Order M-30, was permitted to accept delivery of a maximum of 4622.00 gallons of isopropyl alcohol for use in the manufacture of rubbing alcohol. Despite this limitation, the company accepted delivery of 6416 gallons of isopropyl alcohol to be used for this purpose or at least 1794.0 gallons more than it was permitted to receive. This constituted a violation of General Preference Order M-30. At the time the company accepted delivery of these excessive amounts of alcohol it had full knowledge of the existence and terms of General Preference Order M-30 and acted in reckless disregard of the terms of that order.

These violations of General Preference Order M-30 have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts,

*It is hereby ordered,* That:

§ 1010.92 *Suspension Order S-92.* (a) During the calendar quarter commencing October 1, 1942, and ending December 31, 1942, the amounts of ethyl alcohol and of isopropyl alcohol which Halitosine Company, Saint Louis, Missouri, its successors and assigns, would otherwise be entitled to receive under the provisions of General Preference Order M-30 shall be reduced by the amounts by which its receipts of ethyl alcohol and of isopropyl alcohol as aforesaid exceeded the amounts which it was permitted to receive and shall be further reduced by 50 per cent of the amounts by which the deliveries to it exceeded the amounts it was permitted to receive. During the calendar quarter commencing October 1, 1942, and ending December 31, 1942, Halitosine Company, its successors and assigns, shall not accept delivery of more ethyl alcohol than the amount it would otherwise be permitted to receive under the provisions of General Preference Order M-30, reduced by 2838.40 gallons and shall not accept delivery of more isopropyl alcohol than the amount it would otherwise be entitled to receive under General Preference Order M-30, reduced by 2691 gallons.

(b) Nothing contained in this order shall be deemed to relieve Halitosine Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect October 1, 1942, and shall expire on December 31, 1942, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9804; Filed, October 1, 1942; 3:53 p. m.]

---

PART 1010—SUSPENSION ORDERS

[Suspension Order S-94]

STANDARD ELECTRIC SALES CO.

Standard Electric Sales Company, Rochester, New York, is engaged in the sale of electrical supplies, including copper products. The company maintains stocks of such products and is a warehouse as defined in General Preference Order M-9-a. This order, as amended May 7, 1942, prohibits a warehouse from delivering copper products except to fill purchase orders bearing a preference rating of A-1-k or higher. Despite the fact that the company was familiar with these restrictions, during the period from May 9 to June 24, 1942, it delivered substantial amounts of copper wire to fill unrated orders and orders bearing preference ratings lower than A-1-k.

These deliveries constituted violations of General Preference Order M-9-a which have hampered and impeded the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing,

*It is hereby ordered,* That:

§ 1010.94 *Suspension Order S-94* (a) Deliveries of material to Standard Electric Sales Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Standard Electric Sales Company, its successors and assigns, by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to Standard Electric Sales Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as

specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Standard Electric Sales Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect October 3, 1942, and shall expire on January 3, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9803; Filed, October 1, 1942; 3:58 p. m.]

---

## PART 1010—SUSPENSION ORDERS

[Suspension Order S-104]

### ATHOS STEEL SERVICE

Athos Steel Service, Philadelphia, Pennsylvania, is a steel warehouse as defined in Supplementary Order M-21-b and is subject to the provisions of that order. During the calendar quarter beginning January 1, 1942 and ending March 31, 1942, the company accepted from its producer or producers, deliveries of 384.7 tons of Schedule A steel products which was 101.9 tons in excess of the quota established for the company by the War Production Board. The acceptance of excessive deliveries of Schedule A steel products constituted a violation of Supplementary Order M-21-b, which has hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by the War Production Board. In view of the foregoing,

*It is hereby ordered,* That:

§ 1010.104 *Suspension Order S-104.* (a) During the calendar quarter beginning October 1, 1942 and ending December 31, 1942, the quota of Schedule A steel products which Athos Steel Service, Philadelphia, Pennsylvania, would be entitled to receive under the provisions of Supplementary Order M-21-b, as amended, shall be reduced by the amount which the company accepted in the first quarter of 1942 in excess of the quota assigned, and shall be further reduced by 50 percent of the amount by which the company exceeded its quota, or a total reduction of 152.85 tons, and Athos Steel Service, its successors and assigns, shall not accept deliveries of more than 134.15 tons of Schedule A steel products unless specifically authorized by the Director General for Operations.

(b) Nothing contained in this order shall be deemed to relieve Athos Steel Service, its successors and assigns, from any restrictions or provisions contained in any other order or regulation of the Director General for Operations, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on October 1, 1942, and shall expire on December 31, 1942, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9802; Filed, October 1, 1942; 3:58 p. m.]

---

## PART 1041—PRODUCTION, TRANSPORTATION, REFINING, AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-d]

§ 1041.5 *Preference Rating Order P-98-d.* For the purpose of facilitating the acquisition of material for the production, transportation, refining and marketing of petroleum outside of the United States, its territories and possessions, and the Dominion of Canada, preference ratings may be assigned to deliveries of material upon the terms hereinafter set forth:

(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to, natural gas.

(3) "Petroleum enterprise" means any facility used in the production, refining, transportation, or marketing of petroleum.

(4) "Operator" means any person to the extent that he is engaged in operating a petroleum enterprise outside of the United States, its territories and possessions, and the Dominion of Canada.

(b) *Preference ratings for foreign petroleum enterprises.* No operator shall apply any preference rating to the delivery of material for any operation to which a preference rating may be assigned upon Form PD-311 or any form in the PD-311 series, unless the preference rating is actually assigned by such a form, or has been assigned by such a form and rerated pursuant to Priorities Regulation No. 12, as amended from time to time.

(c) *Extension and use of the "Foreign Petroleum Industry Material Rating Plan".* (1) Notwithstanding the provisions of Forms PD-311 and PD-311-c (Foreign Petroleum Industry Material Rating Plan) and the instructions applicable thereto, any preference rating assigned on such a form shall continue in effect until January 1, 1943, unless sooner revoked by the Director General for Operations.

(2) Preference ratings may be requested on Form PD-311 or Form PD-311-c until November 1, 1942, for material required in the fourth calendar-quarter of 1942.

(d) *Applicability of priorities regulations.* This order is issued pursuant to Priorities Regulation No. 9, as amended from time to time. This order and all transactions affected thereby are subject to the applicable provisions of any priorities regulation issued by the War Production Board, as amended from time to time.

(e) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: Office of Petroleum Coordinator, South Interior Building, Washington, D. C., Ref: P-98-d.

(f) *Violations.* Any person who wilfully violates any provision of this order or who wilfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9806; Filed, October 1, 1942; 3:58 p. m.]

---

## PART 1075—CONSTRUCTION

[Supplementary Conservation Order L-41-b, as Amended October 2, 1942]

Supplementary Conservation Order No. L-41-b is hereby amended to read as follows:

§ 1075.3 *Supplementary Conservation Order No. L-41-b.* (a) Conservation Order L-41, as amended, shall not apply to construction begun prior to January 1, 1943, which is necessary to the conversion or substitution of heating equipment to permit the use of fuel other than oil, electricity, natural gas, manufactured gas, or mixed natural and manufactured gas.

(b) Conservation Order L-41, as amended, shall not apply to construction begun prior to January 1, 1943, which is necessary to the installation or application in buildings, structures or projects of the following materials and equipment: Insulation materials, air cell pipe coverings, weather-stripping, storm windows and doors: *Provided, however,* That no rubber, cork, or metal (other than

fastenings), shall be used in such installation or application.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9824; Filed, October 2, 1942; 11:43 a. m.]

---

PART 1099—BEDS, SPRINGS AND MATTRESSES

[Interpretation 1 to General Limitation Order L-49, as Amended August 4, 1942]

The following official interpretation is hereby issued by the Director General for Operations with respect to paragraph (d) (3), as amended September 19, 1942, of § 1099.1, *General Limitation Order L-49*, as amended August 4, 1942:[1]

Paragraph (d) (3), as amended September 19, 1942, provides that "On and after November 1, 1942, no manufacturer shall process, fabricate, work on or assemble any studio couch, sofa bed or lounge designed for dual sleeping and seating purposes which contains any iron or steel other than joining hardware, except that manufacturers may, after November 1, 1942, process, fabricate, work on or assemble final fabric covers on any such studio couch, sofa bed or lounge, provided that any such studio couch, sofa bed or lounge has otherwise been completely processed, fabricated, worked on or assembled prior to November 1, 1942."

This language is to be strictly construed. No operation other than the putting on of final fabric covers is permitted on and after November 1, 1942. Studio couches, sofa beds or lounges which are merely "sprung up" may not be padded or worked on in any way other than the assembly of final fabric covers. In connection with the assembly of final fabric covers, any work which is absolutely essential to such assembly is permitted. The assembly of hinges, decorative molding, nails, and similar items, after the final fabric cover is placed upon the studio couch, sofa bed or lounge, is also permitted.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9822; Filed, October 2, 1942; 11:43 a. m.]

---

[1] 7 F.R. 6044, 7431.

PART 1125—CASKETS, SHIPPING CASES AND BURIAL VAULTS

[Supplementary Limitation Order L-64-a]

In accordance with the provisions of § 1125.1 *General Limitation Order L-64* which the following order supplements:

§ 1125.2 *Supplementary General Limitation Order L-64-a*—(a) *Prohibition of all transactions in iron and steel caskets from the effective date of this order.* From the effective date of this order, no manufacturer shall sell, lease, trade, lend, ship, deliver or transfer to any other person any casket (whether produced before or after the effective date of this order) which contains more than 25% of iron and steel in the total net weight thereof, and with inside measurements of 74¾ inches or more in length, 22¾ to 23¼ inches, inclusive, in width, and 16¾ to 19¼ inches, inclusive, in depth, whether or not it can provide hermetic sealing, except

(1) Caskets which permit half or full length display of a body of the types known as half couch caskets, drop side caskets, full couch caskets, and hinged top caskets, or

(2) To the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Panama Canal, or

(3) Pursuant to the specific authorization of the Director General for Operations.

(b) *Records and reports.* (1) Any manufacturer who has, on the effective date of this order, any caskets which are affected by this order shall keep and preserve, for not less than two years, accurate and complete records of all such caskets and of all sales and shipments made pursuant to this order. Such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(2) On or before the 15th day of the month following the effective date of this order, any manufacturer who on the effective date of this order, had any caskets which were affected by this order, shall file with the War Production Board a statement of the number and type of such caskets in stock on the effective date of this order on Form PD-590.

(c) *Applications for specific authorization of the Director General for Operations.* Any manufacturer affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may apply in writing to the Director General for Operations, War Production Board, Washington, D. C., Ref.: L-64-a, fully setting forth the reasons why such manufacturer deems it appropriate that he obtain relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(d) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C., Ref: L-64-a".

(e) *Effective date.* This order shall take effect October 2, 1942, at 12:01 a. m. Eastern War Time.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9819; Filed, October 2, 1942; 11:44 a. m.]

---

PART 1142—DRY CELL BATTERIES AND PORTABLE LIGHTS OPERATED BY DRY CELL BATTERIES

[General Limitation Order L-71, as Amended October 2, 1942]

1. Part 1142—Flashlight Cases and Flashlight Batteries, is hereby amended to read Part—1142 Dry Cell Batteries and Portable Lights Operated by Dry Cell Batteries.

2. General Limitation Order L-71 (§ 1142.1) is hereby amended to read as follows:

§ 1142.1 *General Limitation Order L-71*—(a) *Definitions.* For the purposes of this order:

(1) "Dry cell battery" means any primary cell or assembly of cells in which the electrolyte is nonspillable and in which electric current is produced by electrochemical action.

(2) "Flashlight battery" means any dry cell battery designated as "D", "C", "BB", or "AA" in Table 4 of Circular C435 of the National Bureau of Standards, issued February 18, 1942, when such battery is produced for use in a flashlight.

(3) "Railroad lantern battery" means any dry cell battery designated as "4F" in Table 4 of Circular C435 of the National Bureau of Standards, issued February 18, 1942.

(4) "Radio battery" means any dry cell battery designed and produced primarily for use with a radio set.

(5) "Hearing aid battery" means any dry cell battery designed and produced primarily for use in any hearing aid device for personal use.

(6) "Other dry cell battery" means any dry cell battery not included in subparagraphs (2), (3), (4) or (5) of this paragraph (a).

(7) "Flashlight" means any portable electric light operated by one or more flashlight batteries or a miniature dynamo.

(8) "Electric railroad lantern" means any portable electric light operated by a railroad lantern battery.

(9) "Other portable electric light" means any portable electric light operated by one or more dry cell batteries

which is not included in subparagraphs (7) or (8) of this paragraph (a).

(10) The terms "flashlight," "electric railroad lantern," and "other portable electric light" shall not include any dry cell battery or lamp or bulb.

(11) "Manufacturer" means any person who manufactures or assembles any flashlight, electric railroad lantern or other portable electric light or any dry cell battery or container for holding assemblies of such batteries.

(12) "Class A manufacturer" means any one of the following manufacturers:

General Dry Batteries, Inc. of Cleveland, Ohio,

National Carbon Company, Inc. of New York, N. Y.,

Ray-O-Vac Company of Madison, Wisconsin,

(13) "Class B manufacturer" means any manufacturer of radio batteries not classified as a Class A manufacturer.

(14) "Class C manufacturer" means the following manufacturer:

National Carbon Company, Inc., of New York, N. Y.

(15) "Class D manufacturer" means any one of the following manufacturers:

Ray-O-Vac Company of Madison, Wisconsin,

United States Electric Manufacturing Corp., of New York, N. Y.,

Winchester Repeating Arms Company of New Haven, Connecticut.

(16) "Class E manufacturer" means any manufacturer of flashlight batteries not classified as a Class C or Class D manufacturer.

(17) "Class F manufacturer" means any one of the following manufacturers:

Bright Star Battery Company of Clifton, N. J.,

The Burgess Battery Company of Freeport, Illinois,

National Carbon Company, Inc., of New York, N. Y.,

Ray-O-Vac Company of Madison, Wisconsin,

United States Electric Manufacturing Corp. of New York, N. Y.,

Winchester Repeating Arms Company of New Haven, Connecticut.

(18) "Class G manufacturer" means any manufacturer of flashlights, electric railroad lanterns or other portable electric lights not classified as a Class F manufacturer.

(19) "Scarce material" means aluminum, crude rubber, chromium, cadmium, nickel, tin, copper or copper base alloy, zinc, iron or steel.

(20) "Transfer" means to sell, lease, trade, deliver, lend, ship or otherwise transfer.

(b) *Restrictions on use of materials.* (1) Except as provided in subparagraph (2) of this paragraph (b) and in paragraph (f), no manufacturer shall produce any dry cell battery, any container for holding assemblies of dry cell batteries, or any flashlight, railroad lantern or other portable electric light containing any scarce materials.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph (b), any manufacturer may use in the production of flashlights, electric railroad lanterns, other portable electric lights or dry cell batteries the following materials, but only to the extent specifically permitted in this subparagraph (2) of paragraph (b):

(i) Without limit as to time, (*a*) tin contained in solder; (*b*) copper wire (of the minimum size required to provide proper operation) for electrical conductors in dry cell batteries and brass for plating any electrical contact; (*c*) zinc for plating and in die cast fittings, electrical contact fittings, dry cell battery shells and flashlight reflectors; and (*d*) iron and steel in any part of an electric railroad lantern or other portable electric light; in the following parts of flashlights and dry cell batteries: reflectors, electrical contact fittings, switches, eyelets, rivets, screws, end caps, springs, end ferrules, lens rings and battery carbon caps; and in grommets and ferrules for containers for holding assemblies of dry cell batteries; and

(ii) Up to and including October 31, 1942, (*a*) copper or copper base alloy in electrical contact fittings in the minimum quantities required to provide suitable electrical contact and practical operation, provided that such copper and copper base alloy was in his inventory on or before October 2, 1942; and (*b*) tinplate, terneplate or tinned copper wire in electrical contacts in dry cell batteries; and (*c*) iron and steel in battery outer jackets and battery top and bottom seals.

(c) *Restrictions on production of dry cell batteries.* Except as provided in subparagraph (f) (1) no manufacturer shall produce any radio batteries other than:

(i) Batteries containing cells designated as "D", "E", "F", "G" or "J" in Table 1 of Circular C435 of the National Bureau of Standards, issued February 18, 1942, with the modifications permitted in section 2.2 of that Circular, and

(ii) C Batteries of the types described in Table 8 of Circular C435 of the National Bureau of Standards, issued February 18, 1942,

except that he may complete the assembly into batteries of any cells which were completed on or before October 2, 1942.

(2) During the period from October 1, 1942 to December 31, 1942, inclusive,

(i) No Class A manufacturer shall produce radio batteries containing more cells than three times 30% of the average monthly number of cells contained in the radio batteries produced by him during the year 1940;

(ii) No Class B manufacturer shall produce radio batteries containing more cells than three times 100% of the average monthly number of cells contained in the radio batteries produced by him during the year 1940;

(iii) No Class C manufacturer shall produce flashlight batteries containing more cells than three times 33⅓% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940;

(iv) No Class D manufacturer shall produce flashlight batteries containing more cells than three times 50% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940;

(v) No Class E manufacturer shall produce flashlight batteries containing more cells than three times 80% of the average monthly number of cells contained in the flashlight batteries produced by him during the year 1940;

(vi) No manufacturer shall produce hearing aid batteries containing more cells than three times 150% of the average monthly number of cells contained in the hearing aid batteries produced by him during the year 1940;

(vii) No manufacturer shall produce railroad lantern batteries containing more cells than three times 130% of the average monthly number of cells contained in the railroad lantern batteries produced by him during the year 1940; and

(viii) No manufacturer shall produce other dry cell batteries containing more cells than three times 100% of the average monthly number of cells contained in the other dry cell batteries produced by him during the year 1940.

(d) *Restrictions on production of flashlights, electric railroad lanterns and other portable electric lights.* (1) Except as provided in paragraph (f), no Class F manufacturer shall produce:

(i) During the month of October, 1942, more (*a*) flashlights than 60% of the monthly average number of flashlights produced by him during the year 1940; (*b*) electric railroad lanterns than 100% of the average monthly number of electric railroad lanterns produced by him during the year 1940; or (*c*) other portable electric lights than 60% of the average monthly number of other portable electric lights produced by him during the year 1940; and

(ii) On and after November 1, 1942, any flashlight, electric railroad lantern or other portable electric light.

(2) Except as provided in paragraph (f), no Class G manufacturer shall produce during the period from October 1, 1942 to December 31, 1942, inclusive, more (i) flashlights than three times 60% of the monthly average number of flashlights produced by him during the year 1940; (ii) electric railroad lanterns than three times 100% of the monthly average number of electric railroad lanterns produced by him during the year 1940; or (iii) other portable electric lights than three times 60% of the average monthly number of other portable electric lights produced by him during the year 1940.

(e) *Restrictions on sales and deliveries.* Except as provided in paragraph (f), no manufacturer shall transfer any new flashlight, new electric railroad lantern or any new other portable electric light, except:

(1) In fulfillment of a purchase order or contract bearing a preference rating of A-10 or higher, or

(2) In fulfillment of any purchase order or contract placed with him by a dealer or wholesaler, accompanied by a certification (which shall constitute a representation to the manufacturer and to the War Production Board) in the following form:

The flashlights (electric railroad lanterns, other portable electric lights) included in this order are required to replace in my inventory an equal number of flashlights (elec-

tric railroad lanterns, other portable electric lights) sold pursuant to purchase orders or contracts bearing preference ratings of A-10 or higher.

---
Company
By---

(f) *Governmental exemptions.* The provisions of paragraphs (b), (c), (d) and (e) shall not apply to the production or transfer of any article in fulfillment of a specific purchase order, contract or subcontract for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or to the government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(g) *Provisions for companies under common ownership.* For the purposes of this order a Class A, B, C, D, E, F or G Manufacturer shall include all subsidiaries, affiliates or other companies or enterprises under common ownership or control.

(h) *Applicability of other orders.* On and after October 2, 1942, the provisions of Conservation Order No. M-11-b, limiting the use of zinc, shall no longer apply to manufacturers of dry cell batteries in the manufacture of such batteries but shall be superseded by the provisions of this order. In so far as any other order heretofore or hereafter issued by the Director of Priorities, the Director of Industry Operations or the Director General for Operations limits the use of any material in the production of flashlights, electric railroad lanterns or other portable electric lights or dry cell batteries or containers for holding assemblies of such batteries to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(i) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(j) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of flashlights, electric railroad lanterns or other portable electric lights, or dry cell batteries or containers for holding assemblies of such batteries, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production at the rates permitted by this order.

(k) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(l) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(m) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(n) *Violations.* Any person who wilfully violates any provisions of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(o) *Appeals.* Any person affected by this order who considers that it works an exceptional or unreasonable hardship upon him may apply for relief by forwarding a letter addressed to the War Production Board, Ref: L-71, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(p) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Ref: L-71.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9821; Filed, October 2, 1942; 11:44 a. m.]

---

## PART 1176—IRON AND STEEL CONSERVATION

[Amendment 7 to General Conservation Order M-126 as Amended July 13, 1942]

Section 1176.1 *General Conservation Order M-126*[1] is hereby amended in the following respect:

(1) The item "Pencils, automatic" contained on List A as reinstated by Amendment 3, issued July 29, 1942, is hereby amended to read as follows:

Pencils, mechanical or automatic.

(2) The item "Pencils, automatic, functional parts only, except for resale" contained on List C is hereby amended to read as follows:

Pencils, mechanical or automatic, functional parts only, except for resale.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9818; Filed, October 2, 1942; 11:44 a. m.]

---

## PART 1245—WOOD UPHOLSTERED FURNITURE

[Interpretation 1 to General Limitation Order L-135]

The following official interpretation is hereby issued by the Director General for Operations with respect to paragraph (b) (2), as amended September 19, 1942, of § 1245.1, *General Limitation Order L-135*, issued August 8, 1942[1]:

Paragraph (b) (2), as amended September 19, 1942, provides that "On and after November 1, 1942, no wood upholstered furniture manufacturer shall process, fabricate, work on or assemble any new wood upholstered furniture which contains any iron or steel other than joining hardware, except that wood upholstered furniture manufacturers may, after November 1, 1942, process, fabricate, work on or assemble final fabric covers on any new wood upholstered furniture, provided that any such new wood upholstered furniture has otherwise been completely processed, fabricated, worked on or assembled prior to November 1, 1942."

This language is to be strictly construed. No operation other than the putting on of final fabric covers is permitted on and after November 1, 1942. Wood upholstered furniture which is merely "sprung up" may not be padded or worked on in any way other than the assembly of final fabric covers. In connection with the assembly of final fabric covers, any work which is absolutely essential to such assembly is permitted. The assembly of decorative molding, nails, and similar items, after the final fabric cover is placed upon the wood upholstered furniture, is also permitted. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law

[1] 7 F.R. 5353, 5358, 5462, 6510, 6902, 6947, 7030, 7032.

[1] 7 F.R. 6767.

671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 2d day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9820; Filed, October 2, 1942; 11:44 a. m.]

---

PART 3062—CONSERVATION OF NEW AUTOMOTIVE VEHICLES SUBJECT TO RATIONING BY FEDERAL AGENCIES

[Amendment 1 to Conservation Order M-216]

§ 3062.1 *Conservation Order M-216,* issued August 29, 1942,[1] is hereby amended by changing the dates October 1, 1942 and October 10, 1942, in paragraph (c), to November 1, 1942 and November 10, 1942, so that said paragraph reads as follows:

(c) *Reports on reserve vehicles required.* Every person in possession of reserve vehicles shall file with the Automotive Branch, War Production Board, Washington, D. C., Ref: Order M-216, a report of the condition of such vehicles on Form PD-641. The initial report shall be as of November 1, 1942, and shall be filed not later than November 10, 1942. Subsequent reports shall be filed thereafter at intervals of six months.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 1st day of October 1942.

ERNEST KANZLER,
*Director General for Operations.*

[F. R. Doc. 42-9823; Filed, October 2, 1942; 11:43 a. m.]

---

## Chapter XI—Office of Price Administration

PART 1301—MACHINE TOOLS

[Amendment 17 to Revised Price Schedule 67[2]]

NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this amendment has been prepared and filed with the Division of the Federal Register.*

New subparagraph (15) is added to § 1301.51 (a) as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) * * *

(15) *Hanna Engineering Works, Chicago, Illinois.* Notwithstanding any other provision of this paragraph (a), regardless of the terms of any existing contract of sale or other commitment, the maximum price at which the Hanna Engineering Works may sell, offer to sell, deliver or transfer two Hanna Portable and Stationary Compression Yoke Riveters with a 36" reach, 24" gap, and 16" cylinder diameter, and the maximum price at which Kaiser Company, Inc., Portland, Oregon may buy, offer to buy, or accept delivery of said two riveters shall be $1400 each.

* * * * *

§ 1301.59a *Effective dates of amendments.* * * *

(q) Amendment No. 17 (§ 1301.51 (a) (15)) to Revised Price Schedule No. 67 shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9787; Filed, October 1, 1942; 3:27 p. m.]

---

PART 1305—ADMINISTRATION

[Supplementary Order 21]

DISTRICT OF COLUMBIA PENAL INSTITUTIONS

Removal of sales by the District of Columbia of commodities produced and services supplied by the District of Columbia penal institutions from the operation of all price regulations.

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

§ 1305.25 *Removal of sales by the District of Columbia of commodities produced and services supplied by the District of Columbia penal institutions from the operation of all price regulations.* (a) Sales and deliveries by the District of Columbia to the United States or any agency thereof of any commodity produced or service supplied by the District of Columbia penal institutions shall not be subject to any price regulation heretofore issued, or which hereafter may be issued by the Office of Price Administration, unless specific provision making a price regulation applicable to such sales and deliveries shall hereafter be included in such price regulation.

(b) "Price regulation," as used in this supplementary order, means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, a maximum price regulation or temporary maximum price regulation issued by the Office of Price Administration, or any amendment or supplement thereto or order issued thereunder.

(c) This Supplementary Order No. 21 may be revoked or amended by the Price Administrator at any time.

(d) *Effective date.* This Supplementary Order No. 21 (§ 1305.25) shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9788; Filed, October 1, 1942; 3:30 p. m.]

---

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

[Amendment 34 to Revised Tire Rationing Regulations[1]]

TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

A new paragraph, (ii), is added to § 1315.151 (d); a new § 1315.807 is added; and §§ 1315.151 (d) and 1315.804 are amended, as set forth below:

*Definitions*

§ 1315.151 *Definitions.* For the purpose of these regulations * * *

(d) "Consumer" of a tire or tube means any person who holds, purchases, or accepts delivery of a tire or tube for use and not for resale, or brings a tire to a retreader or recapper to be retreaded or recapped, the tire to be returned to such person but not for resale.

* * * * *

(ii) "Used" as applied to tires and tubes means a tire or tube that has been run 1,000 miles or more, but does not include a recapped or retreaded tire as defined in paragraph (r) of this § 1315.151.

*Transfers and Deliveries of Tires, Tubes, and Camelback*

§ 1315.804 *Transfers of tires, tubes or camelback to certain governmental agencies, to manufacturers of new vehicles, and for export*—(a) *Transfers to certain governmental agencies or for export.* Subject to the provisions of paragraphs (c) and (d) of this § 1315.804, any person may transfer tires, tubes or camelback: * * *

(b) *Transfers to manufacturers of new vehicles.* Subject to the provisions of paragraphs (c) and (d) of this § 1315.804, any person may transfer tires or tubes, with the written approval of the chair-

---

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6864.

[2] 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2680, 2996, 3445, 3820, 4176, 5513, 5987, and 7239.

[1] 7 F.R. 1027, 1089, 2106, 2107, 2541, 2633, 2945, 2948, 3235, 3237, 3551, 3830, 4176, 4336, 4493, 4543, 4544, 4617, 4856, 5023, 5274, 5276, 5566, 5605, 5867, 6423, 6775, 7034, 7241, 7660, 7670.

man of the War Production Board, to any manufacturer of new vehicles for use as part of the original equipment of such vehicles.

(c) *Receipt.* Any person who makes any transfer pursuant to paragraphs (a) or (b) of this § 1315.804, except a transfer of used tires or tubes, shall obtain a receipt from the purchaser upon OPA Form No. R–12 (Revised): *Provided, however,* That a manufacturer who makes any transfer of new tires, new tubes, or camelback pursuant to the same paragraphs, need not obtain such form from the purchaser, except when the transfer is made or originates from premises on which the manufacturer performs the functions of a retailer or distributor.

* * * * *

§ 1315.807 *Permitted and prohibited transfers of used tires and tubes.*— (a) *Prohibitions.* On and after October 1, 1942, except as provided in §§ 1315.401 (c), 1315.402 (d) (5), 1315.403 (a) (5), 1315.501 (d) (4), 1315.502 (c) (4), 1315.503 (c) (4), 1315.704 (b) and (c), 1315.705, 1315.801 (f) (6) (i) and (ii), 1315.804, 1315.806, and paragraphs (b) through (f) of this § 1315.807 of these regulations, no person shall transfer, offer to transfer, or solicit a transfer of any used tire or tube, and no person shall accept or offer to accept any transfer of any used tire or tube. This prohibition shall apply in spite of any contract, agreement or commitment, regardless of when made.

(b) *Definitions.* For the purpose of this § 1315.807, the term

(1) "Dealer" means any retailer, distributor, wholesaler, manufacturer, or any person engaged in the business of (i) manufacturing or selling tires, tubes or vehicles, (ii) retreading or recapping tires, or (iii) extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle.

(2) "Mounted tire" means a tire mounted upon the running wheel of a vehicle or one spare for each size tire upon a vehicle.

(c) *Transfers by consumers.* (1) a consumer, other than a dealer, may mount used tires or tubes owned by him on any vehicle owned by him.

(2) A consumer, other than a dealer, may transfer to any dealer or consumer used tires or tubes when mounted on a vehicle in conjunction with the transfer of such vehicle to such dealer or consumer.

(3) A consumer may temporarily transfer used tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of mounting or repair only, and accept the transfer of such tires or tubes after such mounting or repair.

(4) A consumer, other than a dealer, may change the physical location or use of used tires or tubes owned by him, provided that no change in right, title or interest takes place: *And provided, further,* That used tires or tubes are not placed in the hands of a dealer or on his premises unless pursuant to paragraph (c) (3).

(d) *Common carriers.* A common carrier which on September 30, 1942, was in possession of shipments of used tires or tubes consigned to a consignee may deliver such used tires or tubes to such consignee, who may accept such delivery.

(e) *Transfers by dealers.* (1) No dealer may mount on his vehicles or transfer between his vehicles any used tires or tubes except those mounted on one or more of his vehicles as of September 30, 1942, or mounted on a vehicle acquired by him thereafter.

(2) A dealer may transfer used tires to a retreader or recapper for the purpose of retreading or recapping such tires. No transfer of retreaded or recapped tires shall be made except in accordance with the provisions of these regulations.

(3) A dealer may transfer to any consumer used tires or tubes when mounted on a vehicle in conjunction with the transfer of the vehicle to such consumer, provided that the transfer of the vehicle does not violate the new passenger automobile rationing regulations issued by the Office of Price Administration.

(4) A dealer may accept a transfer of used tires or tubes from any Governmental agency specified in § 1315.804 (a) (1).

(5) A dealer may make other transfers of used tires or tubes, which are essential to the conservation of such tires or tubes, only upon written authorization of the State or District Office of the Office of Price Administration having jurisdiction over the area in which the tires or tubes are located. Requests for such authorization shall state the number and size of the tires or tubes, their present and proposed location, and the reasons for the proposed transfer.

(f) *Reports.* A dealer who makes or accepts any transfer of a used tire or tube pursuant to §§ 1315.801 (f) (6) (i) and (ii), 1315.804, 1315.806, or paragraphs (d), (e) (2), (e) (4), or (e) (5) of this § 1315.807, shall file a report within fifteen (15) days of the date of such transfer with the Inventory Control Unit, Office of Price Administration, Empire State Building, New York City, New York, and shall keep a copy thereof. This report shall state the name and address of the dealer, the number and size of used tires or tubes transferred, the date of transfer, and the name and address of the person to whom the dealer has transferred the tires or tubes or from whom the dealer has accepted such transfer.

§ 1315.1199a *Effective dates of amendments.* * * *

(hh) Amendment No. 34 (§§ 1315.151, (d), 1315.804 and 1315.807) to Revised Tire Rationing Regulations shall become effective October 1, 1942.

(Pub. Law 421, 77th Cong., Jan. 30, 1942, OPM Supp. Order No. M–15c, WPB Directive No. 1, Supp. Directive No. 1B; 6 F.R. 6792, 7 F.R. 121, 350, 434, 473, 562, 925, 1009, 1026)

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9783; Filed, October 1, 1942; 3:23 p. m.]

---

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[Amendment 2 to Maximum Price Regulation 200[1]]

RUBBER HEELS, RUBBER HEELS ATTACHED, AND ATTACHING OF RUBBER HEELS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Two sentences are added to § 1315.1406 (a); in § 1315.1420, Table I–A as amended and footnotes 1 to 5, inclusive, are renumbered 2 to 6, inclusive; paragraphs (c), (d) (1), and (e) (1) are amended; a brand name is added to paragraph (g) (5); the brand "Fleetfoot 60" is deleted from paragraph (g) (4) and added to paragraph (g) (2); paragraph (g) (6) is amended, and a new paragraph (h) is added, all as set forth below:

§ 1315.1406 *Marking and posting.* (a) * * *.

The marking of the unit of sale container is an approved method of marking women's scoop lifts (1 and 3 nail hole) and died out toplifts. A paper sticker on each toplift strip or block is also an approved method of marking toplift strips and toplift blocks.

---

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 6259, 6936.

§ 1315.1420 *Appendix A: Maximum prices for rubber heels, rubber heels attached and attaching rubber heels.* (a) * * *

TABLE I-A—MAXIMUM PRICE FOR RUBBER HEELS SOLD IN THE SHOE REPAIR TRADE [1]

| Item | Maximum price for sales to wholesalers [2] | Maximum price for sales to shoe repairmen [3] | Unit of sales to wholesalers and shoe repairmen | Maximum price to consumers for heels attached by shoe repairmen [4] (per pair) |
|---|---|---|---|---|
| * | * | * | * | * |
| 4. Women's Cuban heels (scoops or flat type) and junior wedges (all sizes): | | | | |
| Super grade or V-1 | * | * | * | $0.45 |
| Standard grade or V-2 | * | * | * | .45 |
| Competitive grade or V-3 | * | * | * | .40 |
| Special competitive grade or V-4 | * | * | * | .35 |
| 5. Women's toplifts: | | | | |
| (a) Thin scoop lifts (3 nail hole, fiber back, with washers) (all sizes): | | | | |
| Super grade or V-1 (with nails) | * | * | * | .40 |
| Super grade or V-1 (without nails) | * | * | * | .40 |
| All other grades V-2, V-3, V-4 (with nails) | * | * | * | .40 |
| All other grades V-2, V-3, V-4 (without nails) | * | * | * | .40 |
| (b) 1 nail hole toplifts plain or fiber back, no washers (all grades, V-1, V-2, V-3, V-4): | | | | |
| (1) 1 dozen to carton (with nails) (all colors except white #), by size: | | | | |
| 9-0 | * | * | * | .35 |
| 7-0 | * | * | * | .35 |
| 5-0 | * | * | * | .35 |
| 3-0 | * | * | * | .35 |
| 2-0 | * | * | * | .35 |
| 1-0 | * | * | * | .35 |
| 2 | * | * | * | .35 |
| 4 | * | * | * | .35 |
| 6 | * | * | * | .35 |
| 1 | * | * | * | .35 |
| 3 | * | * | * | .35 |
| 5 | * | * | * | .35 |
| #For white add to each price | | | | .10 |
| (2) 6 dozen to carton (without nails) (all colors but white #), by size: | | | | |
| 9-0 | * | * | * | .35 |
| 7-0 | * | * | * | .35 |
| 5-0 | * | * | * | .35 |
| 3-0 | * | * | * | .35 |
| 2-0 | * | * | * | .35 |
| 1-0 | * | * | * | .35 |
| 2 | * | * | * | .35 |
| 4 | * | * | * | .35 |
| 6 | * | * | * | .35 |
| 1 | * | * | * | .35 |
| 3 | * | * | * | .35 |
| 5 | * | * | * | .35 |
| 6 | * | * | * | .35 |
| #For white add to each price | | | | .10 |
| (c) Died out toplifts, plain or fiber back: Super grade or V-1, by size: | | | | |
| 10½ iron: | | | | |
| Black | * | * | * | ?.25 |
| Tan or no mark black | * | * | * | ?.25 |
| White | * | * | * | ?.35 |
| All other grades V-2, V-3, V-4, by size: 9 iron: | | | | |
| Black | * | * | * | ?.25 |
| Tan or no mark black | * | * | * | ?.25 |
| White | * | * | * | ?.35 |
| 10½ iron: | | | | |
| Black | * | * | * | ?.25 |
| Tan or no mark black | * | * | * | ?.25 |
| White | * | * | * | ?.35 |
| 12 iron: | | | | |
| Black | * | * | * | ?.25 |
| Tan or no mark black | * | * | * | ?.25 |
| White | * | * | * | ?.35 |
| (d) Toplift strips (12½" x 25"): | | | | |
| (1) Plain back, black: | | | | |
| Super grade or V-1, by size: | | | | |
| 7 iron | * | * | * | ?.25 |
| 7½ iron | * | * | * | ?.25 |
| 9 iron | * | * | * | ?.25 |
| 10½ iron | * | * | * | ?.25 |
| 12 iron | * | * | * | ?.25 |
| Standard grade or V-2 by size: | | | | |
| 7 iron | * | * | * | ?.25 |
| 7½ iron | * | * | * | ?.25 |
| 9 iron | * | * | * | ?.25 |
| 10½ iron | * | * | * | ?.25 |
| 12 iron | * | * | * | ?.25 |
| Special Competitive or V-3, V-4 by size: | | | | |
| 7 iron | * | * | * | ?.25 |
| 7½ iron | * | * | * | ?.25 |
| 9 iron | * | * | * | ?.25 |
| 10½ iron | * | * | * | ?.25 |
| 12 iron | * | * | * | ?.25 |
| ##Fiber back add to each price | | | | .00 |

Footnotes at end of table.

TABLE I-A—MAXIMUM PRICE FOR RUBBER HEELS SOLD BY THE SHOE REPAIR TRADE—Continued

| Item | Maximum price for sales to wholesalers | Maximum price for sales to shoe repairmen | Unit of sales to wholesalers and shoe repairmen | Maximum price to consumers for heels attached by shoe repairmen (per pair) |
|---|---|---|---|---|
| 5. Women's toplifts—Continued. | | | | |
| (d) Toplift strips—Continued. | | | | |
| (2) Plain back, tan and no mark black‡‡: | | | | |
| Super grade or V-1 by size: | | | | |
| 7 iron | • | • | • | [1]$0.25 |
| 7½ iron | • | • | • | .25 |
| 9 iron | • | • | • | .25 |
| 10½ iron | • | • | • | .25 |
| 12 iron | • | • | • | .25 |
| Standard grade or V-2 by size: | | | | |
| 7 iron | • | • | • | .25 |
| 7½ iron | • | • | • | .25 |
| 9 iron | • | • | • | .25 |
| 10½ iron | • | • | • | .25 |
| 12 iron | • | • | • | .25 |
| Competitive or special competitive, V-3 or V-4 by size: | | | | |
| 7 iron | • | • | • | .25 |
| 7½ iron | • | • | • | .25 |
| 9 iron | • | • | • | .25 |
| 10½ iron | • | • | • | .25 |
| 12 iron | • | • | • | .25 |
| ##Fiber back add to each price | | | | .09 |
| (3) Plain back, white##: | | | | |
| All grades by size: | | | | |
| 7 iron | • | • | • | .35 |
| 7½ iron | • | • | • | .35 |
| 9 iron | • | • | • | .35 |
| 10½ iron | • | • | • | .35 |
| 12 iron | • | • | • | .35 |
| ##Fiber back add to each price | | | | .09 |
| (e) Toplift blocks (6⅛ x 12½"): | | | | |
| (1) Plain back, black: | | | | |
| Super grade or V-1, by size: | | | | |
| 7 iron | • | • | 1 dozen | .25 |
| 9 iron | • | • | 1 dozen | .25 |
| 10½ iron | • | • | 1 dozen | .25 |
| 12 iron | • | • | 1 dozen | .25 |
| All other grades V-2, V-3, V-4 by size: | | | | |
| 7½ iron | • | • | 1 dozen | .25 |
| 9 iron | • | • | 1 dozen | .25 |
| 10½ iron | • | • | 1 dozen | .25 |
| 12 iron | • | • | 1 dozen | .25 |
| ##Fiber back add to each price | | | | .09 |
| (2) Plain back, tan and no mark black: | | | | |
| Super grade or V-1 by size: | | | | |
| 7 iron | • | • | 1 dozen | .25 |
| 9 iron | • | • | 1 dozen | .25 |
| 10½ iron | • | • | 1 dozen | .25 |
| 12 iron | • | • | 1 dozen | .25 |
| All other grades V-2, V-3, V-4 by size: | | | | |
| 7½ iron | • | • | 1 dozen | .25 |
| 9 iron | • | • | 1 dozen | .25 |
| 10½ iron | • | • | 1 dozen | .25 |
| 12 iron | • | • | 1 dozen | .25 |
| ##Fiber back add to each price | | | | .09 |
| (3) Plain back, white: | | | | |
| All grades, by size: | | | | |
| 7 iron | • | • | 1 dozen | .35 |
| 9 iron | • | • | 1 dozen | .35 |
| 10½ iron | • | • | 1 dozen | .35 |
| 12 iron | • | • | 1 dozen | .35 |
| ##Fiber back add to each price | | | | .09 |
| 7. Combination leather and rubber lifts (all sizes): | | | | |
| Men's | [2]2.61 | [2]3.35 | 1 doz. pairs | |
| Women's | 1.75 | 2.35 | 1 doz. pairs | |
| 10. White heels: | | | | |
| Men's half | • | • | • | • |
| Women's cuban (scoop, flat type or junior wedges) | • | • | • | .25 |
| Women's thin scoop super grade | • | • | • | .50 |
| All other grades | • | • | • | .50 |

[1] The maximum prices for sales by wholesalers to certain wholesalers are set forth in paragraph (b) of this section.

[2] •

[3] •

[4] •

[5] •

[6] •

[7] If died out toplifts or toplifts cut from toplift strips or toplift blocks are attached to heels which are larger in size than a size 3-0 thin scoop lift (3 nail hole), the shoe repairman may add $0.05 per pair to the prices stated in Table I-A for attaching these women's toplifts.

[8] For Wilder Quick Work A Style, combination leather and rubber lifts, there shall be substituted in Table I-A $2.75 instead of $2.61 and $3.67 instead of $3.35.

(c) The maximum price stated in Table I–A for a sale by a shoe repairman includes all repairs made by the shoe repairman in the process of attaching rubber heels.

(d) (1) The maximum price for sales to wholesalers shall be decreased by 5% if the purchaser pays cash within thirty days after delivery of the rubber heels.

(2) * * *

(e) (1) The maximum price for sales to wholesalers shall include the costs of transportation of the rubber heels to the buyer's place of business if the order in question amounts to one hundred pounds or more.

(2) * * *

(g) * * *

(2) "Standard grade" means rubber heels manufactured before September 1, 1942, bearing the following brand names and made by the following manufacturers:

STANDARD

| Brand: | *Manufacturer* |
|---|---|
| * * * * * | |
| Fleetfoot 60 | New Jersey Rubber Co. |
| * * * * * | |

(4) "Special Competitive grade" means rubber heels manufactured before September 1, 1942, whose brand name is not specifically listed in this paragraph (g) and rubber heels bearing the following brand names and made by the following manufacturers:

SPECIAL COMPETITIVE

| Brand: | *Manufacturers* |
|---|---|
| * * * * * | |
| Fleetfoot | New Jersey Rubber Company. |
| Gold Crown | Holtite Manufacturing Company. |
| * * * * * | |

(5) "Corded" means rubber heels bearing the following brand names and made by the following manufacturers, provided that if they are manufactured after August 31, 1942, they must have a minimum abrasion of 30.[3]

CORDED

| Brand: | *Manufacturers* |
|---|---|
| * * * * * | |
| Cat's Paw Super Cord | Holtite Manufacturing Company. |

(6) Grades "V–1", "V–2", "V–3", and "V–4" mean rubber heels manufactured after August 31, 1942 which can meet the following physical tests:

| Grade | Minimum abrasion | | Tensile strength |
|---|---|---|---|
| | All types except whole heels [1] | Whole heels [2] | |
| V–1 | 25 | 20 | 1,000 |
| V–2 | 20 | 16 | 800 |
| V–3 | 15 | 12 | 500 |
| V–4 | 10 | 8 | 400 |

[1] A minus tolerance of 2 points from the specified average abrasion index requirements is permitted with an unlimited plus tolerance. The methods of Federal Specifications EA–ZZ–H–141 and ZZ–R–601 shall be applicable to the specifications.

[2] No minus tolerance is permitted for whole heels. The methods of Federal Specifications EA–ZZ–H–141 and ZZ–R–C01 shall be applicable to the specifications.

[3] A minus tolerance of two points from the specified average abrasion index requirements is permitted with an unlimited plus tolerance. The methods of Federal Specifications EA–ZZ–H–141 and ZZ–R–601 shall be applicable to the specifications.

(h) The maximum price for sales by wholesalers to that class of wholesalers who, during March 1942, purchased rubber heels from wholesalers at prices higher than those set forth in Table I–A for sales to wholesalers is the price for sales of the rubber heels in question to shoe repairmen set forth in Table I–A less 20%. Paragraphs (d) (1) and (e) (1) are applicable to such sales.

§ 1315.1419a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§§ 1315.1406 (a); 1315.1420 (a), (c), (d), (e), (g) (2), (g) (5), (g) (6), (h)) to Maximum Price Regulation No. 200 shall become effective October 7, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42–9790; Filed, October 1, 1942; 3:29 p. m.]

## PART 1340—FUEL

[Amendment 32 to Revised Price Schedule 88 [1]]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.157, two new paragraphs (v) and (w) are added, and a new paragraph (d) is added to § 1340.159.

§ 1340.157 *Definitions.* * * *

(v) "Wet gas" means any natural or petroleum gas, and refinery gas, which is sold to be processed for the extraction of vapors and liquids, from which operation some residue gas results.

(w) "Dry gas" means any natural or petroleum gas, and refinery gas, sold for consumption either directly as fuel or to be consumed in the production of any other commodity or for use in gas lift, pressure maintenance or repressuring operations, and includes such gas when delivered directly from wells, and the residue gas incident to plant operations.

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* * * *

(d) *Petroleum gas; natural gas*—(1) *Wet gas.* (i) A seller's maximum price at any particular time for wet gas produced from any given field shall be the highest price that could be charged at that time under the terms and conditions of any contract which was in effect on May 1, 1942 between the seller and the purchaser for the sale of wet gas produced from such field.

(ii) If a seller had no contract in effect with a particular purchaser on May 1, 1942, for wet gas produced from any given field, then such seller's maximum price to such purchaser at any given field shall be the highest price that could be charged at that time under the terms and conditions of any contract which was in effect on May 1, 1942, between such seller and a purchaser of the same class for the sale of wet gas produced from such field.

(iii) Where a maximum price for wet gas cannot be determined under (i) or (ii), or where a maximum price has been determined under (i) or (ii), and the purchaser wishes to extract, condense and save additional products from the wet gas not contemplated by the contract nor by any contract between a seller and a purchaser of the same class in the given field, a tentative maximum price may be set. The purchaser shall make a request in writing at the Office of Price Administration in Washington, D. C., for approval of such tentative maximum price within 15 days after it has been set by him or within 30 days from October 7, 1942, whichever is later. In connection with his request, the purchaser shall file with the said Office a statement setting forth (*a*) an explanation as to why it is impossible for the seller to establish a maximum price under subdivisions (i) or (ii) of this paragraph (d), (*b*) the tentative maximum price, and an explanation of the method used in arriving at such price, (*c*) the maximum prices for sellers and purchasers of the same class at the two nearest fields to the one in question, if known, and (*d*) if a written contract has been entered into, an authenticated copy thereof. The tentative maximum price shall be the maximum price for the production from the field to purchasers of the same class unless the tentative price is disapproved by the Office of Price Administration within 15 days from the date it is filed as provided above. Ordinarily a tentative price set under this subdivision (iii) will not be approved unless such tentative price is in line with the maximum prices for sellers and purchasers of the same class at the nearest fields to the one in question. A tentative price which has been approved as a maximum price hereunder, may subsequently be changed by order of the Price Administrator.

(2) *Dry gas.* (i) Where a contract for the sale of dry gas was in effect on October 1, 1941, the seller's maximum price at any particular time for any gas sold under that contract, or any renewal of such contract, or a new contract between the same purchaser and seller, shall not exceed the price that could be charged under the terms of the contract that was in effect on October 1, 1941.

(ii) Where a seller had contracts in effect on October 1, 1941, for sale of dry gas but did not then have a contract with a particular purchaser, the seller's maximum price at any particular time to that purchaser shall not exceed the highest price that could be charged at that time under (i) to a purchaser of the same class.

(iii) If a seller had no contracts in effect for sales of dry gas on October 1, 1941, a seller's maximum price at any particular time for dry gas shall not exceed the maximum price established at that time by seller's most closely compet-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1836, 2132, 2304, 2352, 2634, 2945, 3116, 3482, 3524, 3576, 3895, 3963, 4433, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 3166, 3552, 6680, 7242.

itive seller of the same class to a purchaser of same class.

(iv) Where a seller is unable to determine his maximum price for dry gas under (ii) or (iii) above, a tentative maximum price may be set, and the seller shall comply with the requirements of filing as provided in subparagraph (1), subdivision (iii), and the tentative maximum price shall be subject to disapproval and change as therein provided.

(v) Nothing in this subparagraph (2) shall be construed to authorize the regulation of a rate that is exempt from control by the Office of Price Administration under the Emergency Price Control Act of 1942.

§ 1340.158a *Effective dates of amendments.* * * *

(ff) Amendment No. 32 (§§ 1340.157 (v) and (w), 1340.159 (d)) to Revised Price Schedule No. 88, shall become effective October 7, 1942, except that a purchaser and seller of wet gas may, by mutual agreement, make the effective date retroactive to May 11, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9791; Filed, October 1, 1942; 3:28 p. m.]

---

PART 1370—ELECTRIC APPLIANCES

[Amendment 5 to Maximum Price Regulation 111 [1]]

NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new § 1370.9b is added.

§ 1370.9b *Applications for adjustment.* (a) The Office of Price Administration, or any duly authorized officer thereof, may by order adjust the maximum price established for any model under § 1370.12 (a) Appendix A for persons selling to consumers in any case in which the seller shows:

(1) That such maximum price is substantially below the highest net price in effect for such model by the seller's price list or other regular price quotation to the same general class of purchaser during the period October 1, 1941 to October 15, 1941, inclusive; and

(2) That this fact subjects him to substantial hardship. Applications for adjustment under paragraph (a) shall be filed in accordance with Procedural Regulation No. 1.[2]

(b) Any person seeking relief, for which no provision is made in the foregoing paragraph (a) of this section, from a maximum price established under this Maximum Price Regulation No. 111 may present the special circumstances of his case in an application for an order of adjustment. Such an application shall be filed in accordance with Procedural Regulation No. 1 and shall set forth the facts relating to the hardship to which such maximum price subjects the applicant together with a statement of the reasons why he believes that the granting of relief in his case and in all like cases will not defeat or impair the policy of the Emergency Price Control Act of 1942 and of this Maximum Price Regulation No. 111 to eliminate the danger of inflation.

§ 1370.14 *Effective dates of amendments.* * * *

(f) Amendment No. 5 (§ 1370.9b) to Maximum Price Regulation No. 111 shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9790; Filed, October 1, 1942; 3:31 p. m.]

---

PART 1381—SOFTWOOD LUMBER

[Amendment 3 to Maximum Price Regulation 161 [1]]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1381.151 is amended to read as set forth below and a new paragraph (c) is added to § 1381.159a:

§ 1381.151 *Maximum prices for West Coast logs.* (a) On and after June 20, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver West Coast logs, and no person shall buy or receive West Coast logs in the course of trade or business at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1381.160; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of West Coast logs to a purchaser if prior to June 20, 1942, such West Coast logs had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The provisions of paragraph (a) of this § 1381.151 shall not apply to the sale and delivery by the Polson Lumber and Shingle Company, Hoquiam, Washington, to the United States Treasury Department, Procurement Division, pursuant to Order No. C-11354, of the following species and sizes of West Coast logs:

6 Sitka spruce logs, select veneer grade, 10 feet long, 36" to 54" in diameter;

8 Sitka spruce logs, aircraft specifications, 16 feet long, 48" to 72" in diameter;

6 Douglas fir logs, select veneer grade, 10 feet long, 40" to 60" in diameter; and

8 Douglas fir logs, aircraft specifications, 16 feet long, 48" to 72" diameter.

All the above-specified logs to be sprayed and coated and meet the specifications of the Forest Service as set forth in Order No. C-11354 of the Procurement Division, United States Treasury Department.

* * * * *

1381.159a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1381.151 (a), 1381.151 (b), and 1381.159a (c)) shall become effective October 7, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9797; Filed, October 1, 1942; 3:23 p. m.]

---

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1]

MEAT RESTRICTION

Pursuant to the authority vested in the Administrator by Directive No. 1 of the War Production Board issued January 24, 1942, and by Supplementary Directive No. 1-M issued September 12, 1942, *It is hereby ordered* That:

Sec.


1407.901 Definitions.
1407.902 Deliveries of slaughterers restricted.
1407.903 Quotas established.
1407.904 Deliveries of non-quota slaughterers restricted.
1407.905 Base and quota periods established.
1407.906 Method of computing quota bases.
1407.907 Method of computing deliveries during quota period.
1407.908 Accounting procedures and inventories.
1407.909 Deliveries of cutter and canner grades of beef further restricted.
1407.910 When delivery takes place; transfers of possession for carriage or storage.
1407.911 Slaughterers owning retail outlets.
1407.912 Deliveries permitted without charge against quotas.
1407.913 Conversion weight factors.
1407.914 Registration of slaughterers.
1407.915 Reports.
1407.916 Records.
1407.917 Application for adjustment or exemption.
1407.918 Certification deemed a representation.
1407.919 Prohibited acts.
1407.920 Criminal prosecutions.
1407.921 Suspension orders.
1407.922 Scope of order.
1407.923 Communications.
1407.924 Effective date.


AUTHORITY: §§ 1407.901 to 1407.924, inclusive, issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., Pub. Law 421, 77th Cong., WPB Dir. 1, Supp. Dir. No. 1-M, 7 F.R. 562, 7234.

§ 1407.901 *Definitions.* (a) "Controlled meat" means the dressed carcasses of cattle, calves, sheep, lambs, and swine (hereinafter also called beef, veal, mutton, lamb and pork, respectively) and any processed or unprocessed

---

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 2307, 2794, 3330, 3447, 3776, 4229, 6049.

[2] 7 F.R. 971, 3663, 6967.

[1] 7 F.R. 4426, 5360, 7008.

edible part, cut or trimmings thereof, regardless of how prepared or packaged; excluding, however, canned meats, sausage, scrapple, souse, and other similar products, offal, oils, lards, rendering fats, raw leaf, casings, by-products not ordinarily used for human consumption, and skins of swine when prepared for use in leather, glue and gelatin.

(b) "Conversion weight" means the weight of the live animal, the carcass or the controlled meat derived therefrom multiplied by the applicable conversion factor as set forth in § 1407.913.

(c) "Cutter and canner grades of beef" means controlled meat conforming to the specifications for cutter and canner grades of steer, heifer, and cow carcass beef set forth in Service and Regulatory Announcements No. 99, Official United States Standards for Grades of Carcass Beef, United States Department of Agriculture, Agricultural Marketing Administration, reprinted with amendments March, 1942.

(d) "Deliver" means to transfer physical possession of controlled meat to any other person. The transfer of controlled meat by a slaughterer to a unit or department of the slaughterer for use in the preparation, manufacture, or production of any product or commodity other than controlled meat shall be deemed a transfer of physical possession to a person other than the slaughterer. In the case of a slaughterer who uses controlled meat for such purposes without any such transfer, the use of controlled meat in the preparation, manufacture or production of any product or commodity other than controlled meat shall have the same effect for the purposes of Restriction Order No. 1 as a transfer of physical possession to a person other than the slaughterer.

(e) "Dressed carcass" means the carcass in the following state:

(1) In the case of beef, with the kidney knob in.

(2) In the case of veal, with the hide off.

(3) In the case of pork, with the leaf fat and kidney out and the head off.

(4) In the case of lamb and mutton, with pluck out.

(f) "Federally inspected" means slaughtered, dressed and passed in a plant subject to federal inspection pursuant to the Act of Congress of March 4, 1907 (Federal Meat Inspection Act, 34 Stat. 1260).

(g) "Non-quota slaughterer" means any person, other than a slaughterer as herein defined, who slaughters cattle, calves, sheep, lambs, or swine and sells the controlled meat derived therefrom.

(h) "Person" means any individual, partnership, corporation, or association, and includes the United States, or any agency thereof, the states or any political subdivision or agencies thereof, and any other government or any agency thereof.

(i) "Sausage" means any ground, chopped, or cut meat or offal of cattle, calves, sheep, lambs, or swine mixed with condiments or other materials and prepared in loaf or sausage-type form, with or without casings.

(j) "Slaughterer" means: (1) Any person who slaughtered during the first nine months of 1942 cattle, calves, sheep, lambs, or swine which produced controlled meat having an aggregate conversion weight in excess of 1,500,000 pounds, and

(2) Any person who slaughters during any quota period cattle, calves, sheep, lambs, or swine which produce controlled meat having an aggregate conversion weight in excess of 500,000 pounds.

§ 1407.902 *Deliveries of slaughterers restricted.* (a) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no slaughterer shall, except as provided in Restriction Order No. 1, deliver during any quota period, more controlled meat of any type than his quota for such type of controlled meat for such period.

(b) Any slaughterer may, during any quota period, deliver controlled meat against any unused portion of his quota for such type of controlled meat for the preceding quota period in an amount not exceeding 10% of such quota, and against his quota for such type of controlled meat for the subsequent quota period in an amount not exceeding 10% of his quota for the current quota period.

(c) A person who becomes a slaughterer during a quota period shall not thereafter during the balance of such period deliver controlled meat of any type in an amount which, together with the amount of such type of controlled meat previously delivered by him during such period, would exceed his quota for such controlled meat for such period.

§ 1407.903 *Quotas established.* (a) The quota of a slaughterer for each type of controlled meat for each quota period shall be the conversion weight obtained by multiplying the quota base for such type of controlled meat by the percentage set forth below:

| Type of controlled meat: | *Percentage* |
|---|---|
| Beef | 80 |
| Veal | 100 |
| Lamb and mutton | 95 |
| Pork | 75 |

(b) Any incorporated slaughterer may apply to the Office of Price Administration for consolidation of its quotas with the quotas of any one or more of its wholly-owned subsidiaries.

§ 1407.904 *Deliveries of non-quota slaughterers restricted.* (a) Notwithstanding the terms of any contract, agreement, or commitment, regardless of when made, no non-quota slaughterer shall, during any quota period, deliver more controlled meat of any type resulting from his own slaughter than he delivered of such type resulting from his own slaughter during the corresponding base period, provided that deliveries during a quota period to persons referred to in § 1407.912 (a) shall not be regarded as deliveries for the purposes of this section.

§ 1407.905 *Base and quota periods established.* (a) There are hereby established the following quota periods:

(1) Quota Period 1: October 1, 1942, to December 31, 1942, inclusive.

(2) Quota Period 2: January 1, 1943, to March 31, 1943, inclusive.

(b) The corresponding base period shall be as follows:

(1) Base Period 1: October 1, 1941, to December 31, 1941, inclusive.

(2) Base Period 2: January 1, 1941, to March 31, 1941, inclusive.

§ 1407.906 *Method of computing quota bases.* (a) The quota base of a slaughterer for each type of controlled meat for each quota period shall be computed as follows: From the sum of

(1) In the case of pork: the conversion weight of live animals slaughtered by him during the corresponding base period determined from the average live purchase weight of such animals. In the case of beef, veal, lamb, and mutton: the conversion weight of the chilled dressed carcasses of animals slaughtered during the corresponding base period.

(2) The conversion weight of his inventory of such type of meat at the beginning of the corresponding base period, and

(3) The conversion weight of all meat of such type delivered to him during the corresponding base period,

the following shall be subtracted:

(4) The conversion weight of his inventory of such type of meat at the close of the base period, and

(5) The conversion weight of meat of such type delivered by him to other slaughterers in deliveries of more than 5,000 pounds each or pursuant to any contract calling for delivery of more than 5,000 pounds, and

(6) Fifty percent of the conversion weight of meat of such type delivered directly, or contained in canned meat delivered directly, by him to the Army, Navy, Marine Corps, Coast Guard, or to any agency of the United States to be delivered to, or for the account of, the government of any country pursuant to the Act of March 11, 1941 (Lend-Lease Act.)

(b) If any person acquires or has acquired a business involving slaughtering, including the good will thereof, and continues the business in substantially the same manner as it was carried on prior to such acquisition, the deliveries, slaughterings, and inventories of such business prior thereto shall be deemed to have been made or held by such person for the purposes of Restriction Order No. 1. If a slaughterer makes such acquisition subsequent to his registration he shall immediately file a new registration in accordance with § 1407.914.

(c) The Office of Price Administration upon application may fix for a slaughterer a quota base for a quota period for any type of controlled meat not delivered by such slaughterer during the corresponding base period.

§ 1407.907 *Method of computing deliveries during quota period.* (a) The amount of each type of controlled meat delivered by a slaughterer during a quota period and charged against his quota shall be computed as follows: From the sum of

(1) In the case of pork: the conversion weight of live animals slaughtered by him during the quota period determined from the average live purchase weight of such animals. In the case of beef, veal, lamb and mutton: the conversion weight of the chilled dressed carcasses of animals slaughtered during the quota period.

(2) The conversion weight of his inventory of such type of meat at the beginning of the quota period, and

(3) The conversion weight of all meat of such type delivered to him during the quota period,

the following shall be subtracted:

(4) The conversion weight of his inventory of such type of meat at the close of the quota period, and

(5) The conversion weight of meat of such type delivered by him during the quota period to the persons set forth in § 1407.912 (a).

§ 1407.908 *Accounting procedures and inventories.* (a) A slaughterer in determining his inventories for the purposes of §§ 1407.905 and 1407.906 shall disregard inventories of non-slaughtering branches or branch warehouses.

(b) If the slaughterer's customary time for taking inventory does not correspond with the opening or closing of a base period or quota period, an inventory taken not more than 15 days from the opening or closing of such period may be used as the opening or closing inventory as the case may be.

(c) If the records in the possession of the slaughterer on the effective date of Restriction Order No. 1 are not sufficient for the determination of the inventories required for the computation of quota bases, he may apply to the Office of Price Administration for permission to adopt an alternative method of computing quota bases.

§ 1407.909 *Deliveries of cutter and canner grades of beef further restricted.* (a) No slaughterer shall during any quota period deliver controlled meat of cutter and canner grades of federally inspected beef to persons other than those referred to in § 1407.912 (a) in excess of 20% of the conversion weight of all his deliveries of such cutter and canner grades during the quota period. Such 20 percentum shall include all deliveries of such beef after rejection thereof for failure to meet the specifications of persons referred to in § 1407.912 (a).

(b) No slaughterer shall during any quota period deliver more than 25% of his quota for beef for such period in cutter or canner grades of non-federally inspected beef, unless an adjustment be granted to him pursuant to the provisions of § 1407.917.

§ 1407.910 *When delivery takes place; transfers of possession for carriage or storage.* (a) Controlled meat transferred to a carrier or loaded aboard a vehicle or vessel (whether or not owned or controlled by the slaughterer) for shipment to a person other than the slaughterer shall be deemed to be delivered when so transferred or loaded, regardless of whether the slaughterer reserves title or consigns the shipment to his own order for security purposes only.

(b) A delivery shall not be deemed to take place when controlled meat is placed in a public warehouse solely for storage purposes, but the withdrawal of such meat from any such warehouse by any person other than the slaughterer who placed it there shall be deemed a delivery.

§ 1407.911 *Slaughterers owning retail outlets.* In the case of a person who owns five or more establishments selling controlled meat principally at retail and who is also a slaughterer, the operation of the slaughtering plant or plants operated by him shall be deemed to be separate from all his other activities for the purpose of Restriction Order No. 1, including the determination of the applicable quota base and quotas. Deliveries to such person shall be deemed quota exempt pursuant to § 1407.912 only if made to such plant or plants, and only inventories of and deliveries to and from such plant or plants shall be included in any computations required by Restriction Order No. 1. The restrictions in §§ 1407.902 and 1407.903 shall apply to such person only with respect to deliveries of controlled meat from, and the use of controlled meat in, such plant or plants.

§ 1407.912 *Deliveries permitted without charge against quotas.* (a) A slaughterer who complies with the provisions of paragraph (b) of this section may, without charge against his quota, deliver controlled meat to any of the following purchasers, or to any person to replace controlled meat delivered on or after October 1, 1942 to any such purchaser or to any person who requires such meat for delivery, with or without further processing, to any such purchaser pursuant to a written contract:

(1) The Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, War Shipping Administration, Maritime Commission, Panama Canal, Advisory Committee for Aeronautics, Office of Scientific Research and Development, Defense Supplies Corporation, and any agency of the United States or of any foreign government for export to and consumption or use in any foreign country or any territory or possession of the United States other than the District of Columbia: *Provided, however,* That post exchanges, organized messes, sales commissaries, service men's clubs, ship service stores, and similar organizations, shall not be deemed part of the Army, Navy, Marine Corps or Coast Guard.

(2) Any person for export to and consumption or use in any foreign country, or any territory or possession of the United States other than the District of Columbia.

(3) Any person operating an oceangoing vessel engaged in the transportation of cargo or passengers in foreign, coastwise or intercoastal trade, as ships' stores for consumption aboard such vessel.

(4) Any hospital, asylum, orphanage, prison, or other similar institution, which is operated by any federal, state, or local government or agency thereof, other than an agency listed in paragraph (a) (1) of this section, which took delivery of controlled meat in the year 1941 under contracts awarded upon the basis of competitive bids.

(5) Any person when such delivery is specifically authorized by the Director of the Food Rationing Division of the Office of Price Administration.

(6) Any slaughterer whose deliveries are subject to the quota provisions hereof at the time of such delivery.

(b) A slaughterer who delivers controlled meat to a purchaser specified in paragraph (a) (1) to (6) inclusive of this section, or to a person to replace in such person's inventory controlled meat delivered on or after October 1, 1942, to any such purchaser, shall, not later than 10 days after such delivery, obtain a certification signed by the purchaser or his authorized agent or employee setting forth the following:

(1) The name and address of the person making delivery to the purchaser.

(2) The name and address of the purchaser.

(3) The date of delivery.

(4) The total weight of each type of controlled meat delivered, and a description thereof permitting conversion in accordance with the provisions of §1407.913.

(c) A slaughterer who delivers controlled meat to a purchaser specified in paragraph (a) (2) of this section, or to a person to replace controlled meat delivered on or after October 1, 1942, to any such purchaser, shall obtain with the certification required by paragraph (b) of this section a copy of the export license authorizing the export of such controlled meat. If no export license is required for the shipment, the slaughterer shall obtain with the certification a copy of the bill of lading under which the controlled meat was shipped.

(d) A slaughterer who delivers controlled meat to a purchaser specified in paragraph (a) (3) of this section, or to a person to replace controlled meat delivered on or after October 1, 1942, to any such purchaser, shall obtain with the certification required by paragraph (b) of this section a statement signed by the collector of customs or his deputy authorizing such delivery as ship stores.

(e) A slaughterer who delivers controlled meat to a purchaser specified in paragraph (a) (4) of this section, or to a person to replace controlled meat delivered on or after October 1, 1942 to any such purchaser, shall obtain with the certification required by paragraph (b) of this section a statement, signed by the manager, superintendent or other official in charge of such institutions, that such purchaser took delivery of controlled meat in the year 1941 under contracts awarded upon the basis of competitive bids.

(f) A slaughterer who delivers controlled meat to a purchaser specified in paragraph (a) (5) of this section, or to a person to replace controlled meat delivered on or after October 1, 1942 to any such purchaser shall obtain with the certification required by paragraph (b) of this section a copy of the authorization issued by the Office of Price Administration.

(g) A slaughterer who delivers controlled meat to another slaughterer whose deliveries are subject to the quota provisions hereof at the time of such delivery shall not later than 10 days after such delivery obtain a certification signed by the slaughterer to whom such delivery is made or his authorized agent or employee setting forth that the latter's deliveries are subject to the quota provisions of Restriction Order No. 1, his registration number, and the date on which he registered.

(h) A slaughterer who delivers controlled meat to a person requiring such meat for delivery to an exempted purchaser listed in paragraph (a) (1) to (6) inclusive of this section, pursuant to a written contract with such purchaser, shall within 10 days after delivery to such person obtain a certification signed by such person or his authorized agent or employee setting forth the following:

(1) The name and address of the person requiring such controlled meat.

(2) The name and address of the exempted purchaser.

(3) The date of the contract.

(4) The number or other designation of the contract.

(5) The total weight of each type of controlled meat purchased from such slaughterer, and a description thereof permitting conversion in accordance with the provisions of § 1407.910.

(6) The total weight and description of each type of controlled meat required to perform the contract.

(7) A statement that such controlled meat will be used only in the performance of the contract.

(i) If any of the information specified under paragraphs (b) to (f) inclusive of this section is military information of a secret character, such information may be omitted.

(j) The certifications which are referred to in this section and the statements which accompany them may be in any convenient form and do not require verification or acknowledgment.

§ 1407.913 *Conversion weight factors.* (a) For the purposes of §§ 1407.905 and 1407.906, the conversion weight of swine slaughtered during a period shall be determined exclusively by computing the average purchase weight of the total number of swine slaughtered (less condemnations) and multiplying the total live purchase weight of such swine by the appropriate conversion factor set forth below for the weight range within which the average falls:

| Average live weight range: | *Conversion factor* |
|---|---|
| 200 lbs., and under | 0.59 |
| 201–240 lbs | .61 |
| 241–300 lbs | .63 |
| 301 lbs., and over | .65 |

(b) The conversion weight of carcasses, and cuts and trimmings of controlled meat derived therefrom shall be determined by multiplying the weight thereof by the appropriate conversion factor set forth below:

| Type of controlled meat | Description of product | Conversion factor (multiplier) | |
|---|---|---|---|
| Beef | Dressed carcasses and cuts, bone in, fresh (chilled) or frozen | | 1.00 |
| | Boned beef and trimmings, fresh (chilled) or frozen | | 1.33 |
| | Cured other than dried | | 1.05 |
| | Dried (including smoked) | | 2.00 |
| Veal | Dressed carcasses hide off, and cuts, bone in, fresh (chilled) or frozen. | | 1.00 |
| | Dressed carcasses hide on, fresh (chilled) or frozen | | .90 |
| | Boned, fresh (chilled) or frozen | | 1.33 |
| Lamb and mutton | Dressed carcasses pluck out, and cuts, bone in, fresh (chilled) or frozen. | | 1.00 |
| | Dressed carcasses pluck in, fresh (chilled) or frozen | | .90 |
| | Boned, fresh (chilled) or frozen | | 1.33 |
| Pork | Dressed carcasses (with cutting fats on), fresh (chilled) or frozen | | .90 |
| | Cuts: | *Bone in* | *Bone out* |
| | Fresh (chilled) | 1.00 | 1.15 |
| | Cured | 1.00 | 1.10 |
| | Smoked | 1.10 | 1.20 |
| | Cooked | 1.10 | 1.10 |

(c) For the purpose of determining quota bases where no record is available of transfers of controlled meat to the sausage and canning unit or department, the conversion weight of each type of controlled meat used in the preparation of sausage and canned meat shall be computed by determining the net weight of controlled meat of such type used in the processing thereof, and multiplying such net weight by 1.33.

§ 1407.914 *Registration of slaughterers.* (a) No slaughterer who during the first nine months of 1942 slaughtered cattle, calves, sheep, lambs or swine which produced controlled meat having an aggregate conversion weight in excess of 1,500,000 pounds shall deliver controlled meat on or after November 1, 1942, unless he shall have filed with the Office of Price Administration a registration statement on such form as the Office of Price Administration may hereafter prescribe, executed in duplicate and signed by the slaughterer, a partner (if a partnership), an officer (if a corporation), or a manager of the slaughterer.

(b) No slaughterer who becomes a slaughterer by reason of the fact that he slaughters, during a quota period, cattle, calves, sheep, lambs or swine which produce controlled meat having an aggregate conversion weight in excess of 500,000 pounds shall deliver controlled meat on or after the tenth day following the date on which he became a slaughterer unless he shall have filed with the Office of Price Administration a registration statement on such form as the Office of Price Administration may hereafter prescribe, executed and signed as required in paragraph (a) of this section.

(c) The duplicate of such registration form, bearing the date of resignation and a registration number will be returned to the slaughterer and shall be kept at the place designated by him in his registration statement for the keeping of records.

(d) The registration number of the slaughterer shall appear on all reports submitted by him to the Office of Price Administration.

§ 1407.915 *Reports.* (a) Every slaughterer shall furnish such information to, and execute and file such reports with, the Office of Price Administration, as it may from time to time require.

§ 1407.916 *Records.* (a) Every slaughterer shall keep accurate records from which the following may be determined for each quota period:

(1) The conversion weight of controlled meat of each type on hand at the commencement of the quota period.

(2) The conversion weight of controlled meat of each type delivered to the slaughterer.

(3) The conversion weight of controlled meat of each type produced from animals slaughtered.

(4) The conversion weight of controlled meat of each type delivered without charge against quotas, separately stated for each class of exempt purchasers in accordance with the arrangement of such purchasers into paragraphs in § 1407.912 (a).

(5) The conversion weight of controlled meat of each type on hand at the close of the quota period.

(6) The conversion weight of beef of cutter and canner grades slaughtered during such period.

(7) The conversion weight of beef of cutter and canner grades delivered without charge against quotas, separately stated for each class of exempt purchasers in accordance with the arrangement of such purchasers into paragraphs in § 1407.912 (a).

(b) Every non-quota slaughterer shall keep an accurate record, by quota periods, of live purchase weight and chilled dressed carcass weight of all cattle, calves, sheep and lambs slaughtered by him and of live purchase weight of all swine slaughtered by him.

(c) All records required by Restriction Order No. 1 shall be kept and preserved for not less than 2 years after the effective date hereof at an office of the slaughterer designated by him in his registration, and shall at all reasonable times be open to audit and inspection by duly authorized representatives of the Office of Price Administration.

(d) Every person who slaughters cattle, calves, sheep, lambs or swine and every person who sells, transfers, or delivers controlled meat shall preserve for examination by the Office of Price Administration all of his existing records relating to such slaughter, sales, transfers, and deliveries since January 1, 1941, unless authorized to dispose thereof by the Office of Price Administration.

§ 1407.917 *Application for adjustment or exemption.* (a) Any person who considers that an adjustment or exception should be made in his case to facilitate procurement by persons referred to in § 1407.912 (a) (1), prevent spoilage

of meat, relieve transportation facilities, adjust quotas which have been affected by unusual occurrences during the base period, or promote greater efficiency and despatch in the war effort, may apply in writing to the Office of Price Administration, setting forth the pertinent facts, the reasons why he considers that an adjustment or exception should be made, and the precise nature of the adjustment or exception desired.

(b) In cases of emergency, application may be made by the most convenient means of communication and a written application may be filed at such time thereafter as the Office of Price Administration may direct.

(c) Upon receipt of such application, the Office of Price Administration may take such action as it shall deem necessary or appropriate.

§ 1407.918 *Certification deemed a representations.* Any certification delivered to a slaughterer pursuant to the provisions of § 1407.912 (b) shall be held by the slaughterer for delivery to the Office of Price Administration upon request by it and statements contained in or accompanying any such certification shall be deemed representations to an agency of the United States.

§ 1407.919 *Prohibited acts.* (a) No person shall deliver, or offer to deliver, to any person, and no person shall accept or offer to accept delivery from any person, or use, any controlled meat with knowledge or reason to believe that such delivery or use is or will be in violation of Restriction Order No. 1, or in violation of or contrary to any of the statements contained in any certification or authorization furnished or provided as required in § 1407.912 (b).

(b) No person shall, or shall cause another person to, alter or falsify any registration certification, or statement, or to falsify, conceal or fail to disclose any fact, statement or information in any application, registration, report or other statement required to be made, kept, furnished or disclosed by Restriction Order No. 1.

(c) No person shall offer, solicit, attempt or agree to do any act in violation of any provision of Restriction Order No. 1.

§ 1497.920 *Criminal prosecutions.* (a) Any person who knowingly falsifies an application, certification, registration form or any other record, report, or document made pursuant to or required by the terms of Restriction Order No. 1 or who otherwise knowingly furnishes false information to any agent, employee or officer of the Office of Price Administration or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statement or representation, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or actions as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Restriction Order No. 1 may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or actions as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Restriction Order No. 1 may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or actions as may be prescribed by all applicable statutes.

§ 1407.921 *Suspension orders.* Any person who violates this Restriction Order No. 1 may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of, any controlled meat or other rationed product. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national defense.

§ 1407.922 *Scope of order.* Restriction Order No. 1 shall apply within the 48 states of the United States and within the District of Columbia.

§ 1407.923 *Communications.* All registration statements and reports required to be filed hereunder, and all communications concerning Restriction Order No. 1 shall be addressed to: Office of Price Administration, Att: Food Rationing Division, Washington, D. C.

§ 1407.924 *Effective date.* Restriction Order No. 1 shall become effective October 1, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9809; Filed, October 1, 1942; 4:39 p. m.]

---

## PART 1418—TERRITORIES AND POSSESSIONS

[Amendment 4 to Maximum Price Regulation 183[1]]

### PUERTO RICO

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (3) is added to paragraph (a) of § 1418.1, paragraph (d) is added to § 1418.13a and paragraph (c) is added to § 1418.14.

§ 1418.1 *Maximum prices.* (a) Maximum prices are established as follows:

* * * * *

(3) On and after October 1, 1942, regardless of any price regulation heretofore issued by the Office of Price Administration, no person shall sell or deliver cigarettes at retail in the Territory of Puerto Rico and no person shall buy or receive cigarettes in the Territory of Puerto Rico at prices higher than the maximum prices set forth in § 1418.14 (c), Table III; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

* * * * *

§ 1418.13a *Effective dates of amendments.* * * *

(d) Amendment No. 4 (§§ 1418.1 (a) (3), 1418.13a (d) and 1418.14 (c)) to Maximum Price Regulation No. 183 shall become effective October 1, 1942.

* * * * *

§ 1418.14 *Tables of maximum prices.* * * *

(c) *Table III—Maximum retail prices for cigarettes.* (1) The maximum retail prices for cigarettes sold or delivered in the Territory of Puerto Rico shall be:

| *Brands* | *Maximum retail price per package of 20 cigarettes* |
|---|---|
| Camel | $.16 |
| Chesterfield | .16 |
| Lucky Strike | .16 |
| Old Gold | .16 |
| Philip Morris | .16 |
| Raleigh | .16 |
| Pall Mall | .16 |

The maximum retail price for these brands of cigarettes not sold in packages of 20 cigarettes shall be a maximum price in line with the above prices. Any reduction in the number of cigarettes shall be accompanied by a proportionate reduction in price. For example: The maximum retail price for 10 cigarettes shall be 8 cents, the maximum retail price for 5 cigarettes shall be 4 cents, and the maximum retail price for any quantity less than 5 cigarettes shall be 1 cent per cigarette.

The maximum retail price for all other brands of cigarettes shall continue to be governed by the General Maximum Price Regulation.

On and after the effective date of this amendment, all persons selling cigarettes to retailers in the Territory of Puerto Rico shall insert in the first shipment to each retailer the following notification:

The maximum retail price for Camels, Chesterfields, Lucky Strikes, Old Golds, Philip Morris, Raleighs and Pall Mall which you are allowed to charge is 16 cents per package. Any reduction in the number of cigarettes shall be accompanied by a proportionate reduction in price. For example: The maximum retail price for 10 cigarettes shall be 8 cents, the maximum retail price for 5 cigarettes shall be 4 cents, and the maximum retail price for any quantity less than 5 cigarettes shall be 1 cent per cigarette. The maximum retail price for all other brands of cigarettes continues to be the highest price charged by you between April 10 and May 10, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9783; Filed, October 1, 1942; 3:27 p. m.]

---

* Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5620, 6744, 6959, 7454.

## PART 1424—IMPORTED AND PACKAGED FOODS

[Maximum Price Regulation 231]

### RAW SPICES AND SPICE SEEDS

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of raw spices and spice seeds by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 231 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. So far as practical, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 231 is hereby issued.

Sec.


1424.1 Prohibition against sales of raw spices and spice seeds above maximum prices.
1424.2 Applicability of the General Maximum Price Regulation.
1424.3 Less than maximum prices.
1424.4 Export sales.
1424.5 Federal and state taxes.
1424.6 Adjustable pricing.
1424.7 Petitions for amendment.
1424.8 Evasion.
1424.9 Enforcement.
1424.10 Records and reports.
1424.11 Definitions.
1424.12 Applicability.
1424.13 Effective date.
1424.14 Appendix A: Maximum prices for raw spices and spice seeds.


AUTHORITY: §§ 1424.1 to 1424.14 inclusive issued under Pub. Law 421, 77th Cong.

§ 1424.1 *Prohibition against sales of raw spices and spice seeds above maximum prices.* On and after October 7, 1942, regardless of any contract, agreement, lease or other obligation:

(a) No person shall sell or deliver any raw spices or spice seeds at higher prices than the maximum prices set forth in Appendix A of this Maximum Price Regulation No. 231.

(b) No person shall buy or receive any raw spices or spice seeds in the course of trade or business at higher prices than the maximum prices set forth in this Maximum Price Regulation No. 231.

§ 1424.2 *Applicability of the General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 231 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of raw spices and spice seeds for which maximum prices are established by this regulation.

§ 1424.3 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 231 may be charged, demanded, paid or offered.

§ 1424.4 *Export sales.* The maximum prices at which a person may export raw spices and spice seeds shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation[2] issued by the Office of Price Administration.

§ 1424.5 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of raw spices and spice seeds, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) As to a tax in effect prior to the effective date hereof (1) if the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during the applicable base period the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 231. (2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately, from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount or tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 231.

(b) As to a tax or increase in a tax which becomes effective after October 6, 1942, if the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum prices, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1424.6 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment or for adjustment or exception requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1424.7 *Petitions for amendment.* Persons seeking any modifications of this Maximum Price Regulation No. 231 or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1424.8 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 231 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of raw spices or spice seeds alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) To mark-down the grade or quality of any raw spices or spice seeds without making corresponding and proper price reduction;

(2) The breaking up or dividing of a quantity of raw spices or spice seeds into the smaller quantities specified in § 1424.14 (g) for the purpose of obtaining a higher price for such quantity;

(3) The elimination of customary trade allowances and discounts that were in existence prior to December 8, 1941;

(4) Changes in the classifications of purchasers of raw spices and spice seeds which were in effect during March 1942.

§ 1424.9 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 231 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have any evidence of any violation of this Maximum Price Regulation No. 231 or any price schedule, regulation or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1424.10 *Records and reports.* (a) Every person making sales of raw spices and spice seeds after October 6, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received, and the quantity of each type and grade of such raw spices and spice seeds purchased or sold.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 971, 3663, 6967.

[2] 7 F.R. 5059.

(b) Such persons shall submit such reports to the Office of Price Administration and shall keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.

(c) Any person delivering raw spices or spice seeds under the terms of the contract specified in § 1424.14 (e) shall report such delivery to the Office of Price Administration, Washington, D. C. within 10 days thereof stating (1) the name and address of the buyer and seller, (2) the actual date of the contract, (3) the date of delivery, (4) the price, quantity and description of the product sold, (5) the remaining quantity yet to be delivered by the seller under the terms of such contract.

§ 1424.11 *Definitions.* (a) When used in this Maximum Price Regulation No. 231, the terms below unless the context otherwise required, shall be construed as follows:

(1) "Package" shall mean the customary unit and weight of bag, bale, box or pack in which the raw spices or spice seeds in question are customarily placed for shipment.

(2) "Person" includes an individual corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of any of the foregoing.

(3) "Place of destination" shall mean the place agreed upon between the buyer and seller at which delivery is completed by the seller.

(4) "Putting into warehouse" shall mean and include the following charges: (i) transportation charges from dock to warehouse; (ii) handling charges in and out of warehouse; (iii) warehouse storage charged for not more than thirty days.

(5) "Raw spices and spice seeds," as used herein, shall mean those spices and spice seeds in their raw, unprocessed state, set out in § 1424.14 Appendix A, of this Maximum Price Regulation No. 231.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1424.12 *Applicability.* The provisions of this Maximum Price Regulation No. 231 shall be applicable to the forty-eight states of the United States and the District of Columbia.

§ 1424.13 *Effective date.* This Maximum Price Regulation No. 231 (§§ 1424.1 to 1424.14 inclusive) shall become effective October 7, 1942.

§ 1424.14 *Appendix A: Maximum prices for raw spices and spice seeds.* (a) Maximum prices for the best quality of the various grades and types of spices and spice seeds shall be the following prices:

| *Spices and spice seeds* | *Cents per pound Ex-dock or warehouse any continental U. S. port of entry.* |
|---|---|
| Anise seed, Mexican | 33 |
| Anise seed, star | 45 |
| Canary seed, Argentine | 8½ |
| Caraway seed, Dutch | 105 |
| Caraway seed, Syrian | 80 |
| Cardamom, Indian, bleached bold | 165 |
| Cardamom, Indian, bleached medium | 135 |
| Cardamom, Indian, decorticated | 165 |
| Cardamom, Indian, green | 99 |
| Cassia, all thin saigon | 62 |
| Cassia, Batavia, No. 1 | 53 |
| Cassia, China rolls—extra selected | 51 |
| Celery seed, Indian | 50 |
| Cinnamon, Ceylon No. 2 | 53 |
| Chillies, Mombasa | 23 |
| Cloves, Zanzibar | 21 |
| Coriander seed, Morocco | 14 |
| Coriander seed, Indian | 10 |
| Cumin seed, Indian | 17¾ |
| Dill seed, Indian | 9 |
| Fennel seed, Indian | 9 |
| Foenugreek seed, Indian | 9 |
| Ginger, African | 23 |
| Ginger, Jamaica No. 3 | 35 |
| Ginger, unbleached Cochin | 23 |
| Laurel leaves, Greek | 55 |
| Laurel leaves, Portuguese | 18 |
| Mace, West India pale No. 1 | 70 |
| Mace, Siauw No. 1 | 70 |
| Marjoram, (Oregano) Chilean | 45 |
| Nutmegs, East India, unassorted | 42 |
| Nutmegs, West India, unassorted | 37 |
| Paprika, fancy Spanish | 52 |
| Paprika, fancy Portuguese | 42 |
| Pimento, Jamaica (allspice) | 27 |
| Pimento, Mexican | 20 |
| Poppy seed, Indian | 10 |
| Poppy seed, Turkish | 30 |
| Rape seed, bird, Argentine | 8¾ |
| Sage, Cyprus | 60 |
| Sage, Spanish | 35 |
| Sesame seed hulled (Chinese) | 13 |
| Sesame seed hulled (Indian) | 12 |
| Thyme, Spanish | 25 |
| Turmeric, Aleppy | 12 |

(b) In all cases the above descriptions apply to the best quality of each grade and the best grade of each type named. The maximum prices for raw spices and spice seeds specified above imported from any other country or for types or grades not named (whether or not imported from the same country) or for grades of inferior quality or of types of inferior grade not named, shall be determined by applying the customary trade differentials to the maximum prices for the type or grade which is most closely related in quality.

(c) The maximum prices for raw spices and spice seeds which were shipped from the country of origin prior to the effective date of this Maximum Price Regulation No. 231 shall be those prices set forth in paragraph (a) of this section and shall include (1) all commissions, brokerage and other charges, (2) war risk, marine insurance and ocean freight rates in effect on July 24, 1942.

(d) The maximum prices for raw spices and spice seeds shipped from the country of origin subsequent to the effective date of this order shall be the maximum prices for such raw spices and spice seeds set forth in paragraph (a) of this section less the difference between the highest commercial rates for war risk insurance in effect July 24, 1942, and the War Shipping Administration rates prevailing on the date of shipment from the country of origin, except that on any shipments of raw spices and spice seeds shipped from the country of origin subsequent to August 1, 1942, on which the importer has carried a War Shipping Administration war risk insurance policy, deductions must be made from the maximum prices set forth in paragraph (a) of this section equivalent to the difference between the highest commercial rate for war risk insurance in effect July 24, 1942, and the War Shipping Administration rate prevailing on the date of shipment from the country of origin.

(e) Deliveries and receipts made in accordance with the terms of any contract for raw spices and spice seeds entered into prior to the effective date of this Maximum Price Regulation No. 231 shall be exempt from the maximum prices specified in paragraph (a) of this section if the prices named in such contract do not exceed the maximum prices for such raw spices and spice seeds as would be permitted under the provisions of the General Maximum Price Regulation and notice of such transaction is given to the Office of Price Administration as provided in § 1424.10 paragraph (c).

(f) The maximum prices set forth in paragraph (a) of this section are ex-dock or ex-warehouse port of entry. (1) For raw spices or spice seeds sold "ex-warehouse," the cost of actually "putting raw spices and spice seeds into warehouse" as defined in § 1424.11 (a) (4) may be added by the seller who incurred the cost to the maximum prices for such raw spices or spice seeds are determined in this section. (2) The "delivered" price for any type of raw spices or spice seeds shall mean the maximum prices as determined under this section plus the actual transportation charges from the original port of entry or warehouse in the continental United States to the place of destination: *Provided,* That such transportation charges shall not exceed the cost of transporting an equal quantity of raw spices from the same port of entry or warehouse directly to the place of destination, computed at the lowest available transportation rate for the mode of transportation employed.

(g) Any person making sales of spices and spice seeds except mace and cardamoms contained in this schedule in lots of 25 packages or less may add to the maximum prices specified in paragraph (a) of this section an amount which shall not exceed,

7½% on sales of 5 to 25 packages inclusive.
10% on sales of 1 to 4 packages inclusive.
20% on sales of less than 1 original package.

In the case of sales of mace and cardamom 10% may be added to the maximum prices on sales of only 1 to 4 packages inclusive.

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-8789; Filed, October 1, 1942; 3:23 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 81 Under § 1499.3 (b) of General Maximum Price Regulation]

E. I. DU PONT DE NEMOURS & COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.295 *Approval of maximum prices for Dehydrol-O manufactured by E. I. du Pont de Nemours & Company, Inc.* (a) Maximum prices for the sale by E. I. du Pont de Nemours & Company, Inc. of Wilmington, Delaware, of Dehydrol-O manufactured by that company shall be:

60¢ per gallon for sales in tank carloads, f. o. b. works
66¢ per gallon for sales in drums, f. o. b. works

(b) All allowances, discounts and trade practices in effect during March, 1942 on the sale by this company of other denaturants shall apply to the maximum prices set forth in paragraph (a).

(c) This Order No. 81 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 81 (§ 1499.295) shall become effective October 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9800; Filed, October 1, 1942; 3:31 p. m.]

---

PART 1499—COMMODITIES AND SERVICES

[Order 57 Under § 1499.18 (c) of General Maximum Price Regulation—Docket GF3-131]

J. W. BURNS LEATHER COMPANY, INC.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.907 *Adjustment of maximum price of J. W. Burns Leather Company, Inc. for certain inner parts manufactured for Roth, Rauh & Heckel, Inc., Ripley, Ohio.* (a) The J. W. Burns Leather Company, Inc., 175 Lincoln Street, Manchester, New Hampshire, may sell and deliver to Roth, Rauh & Heckel, Inc., Ripley, Ohio, and Roth Rauh & Heckel, Inc. may buy and receive from the J. W. Burns Leather Company, Inc. certain inner parts used in the manufacture of women's shoes at prices no higher than the prices listed below:

| | *Per 100 pairs* |
|---|---|
| Class A chrome quarter linings | $12.50 |
| Class B chrome quarter linings | 11.40 |
| Class A sheep quarter linings | 11.17 |
| Class B sheep quarter linings | 10.26 |
| Tongue linings | 2.00 |
| Imitation sock linings | 3.15 |
| Heel plugs | 2.45 |

(b) The maximum prices authorized by this order are subject to discounts, allowances and terms no less favorable than those in effect during March 1942.

(c) This Order No. 57 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 57 (§ 1499.907) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 57 (§ 1499.907) shall become effective October 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9801; Filed, October 1, 1942; 3:28 p. m.]

---

## TITLE 46—SHIPPING

### Chapter II—Coast Guard: Inspection and Navigation

Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS.

TRANSPORTATION OF MILITARY EXPLOSIVES ON BOARD VESSELS DURING THE PRESENT EMERGENCY

Part 146 of Subchapter N is amended by the addition of the following new sections to follow immediately after § 146.28 and to read as follows:

Sec.


146.29-1 Existing regulations inapplicable.
146.29-2 Scope.
146.29-3 Effective date.
146.29-4 Port security regulations.
146.29-5 Definitions.
146.29-6 Packing and marking.
146.29-7 Stowage on board vessels.
146.29-8 Stowage of ammunition or explosives in bulk in holds containing coal.
146.29-9 On deck stowage.
146.29-10 Stowage adjacent to other dangerous articles.
146.29-11 Stowage with nondangerous cargo in the same hold.
146.29-12 Stowage and dunnaging of ammunition and containers of explosives in bulk.
146.29-13 Cargo working equipment.
146.29-14 Lights, tools and equipment.
146.29-15 Fires and fire protection.
146.29-16 Smoking.
146.29-17 Liquor or drugs.
146.29-18 Handling and slinging of explosives.
146.29-19 Loading military explosives and other cargo simultaneously.
146.29-20 Fire hose.
146.29-21 Damaged or leaking containers of explosives.
146.29-22 Defective ammunition.
146.29-23 Recoopering damaged packages.
146.29-24 Permit to load explosives.
146.29-25 Explosives loading detail.
146.29-26 Personnel identification.
146.29-27 Ship's officer present.
146.29-28 Constructing magazines.
146.29-29 Preparation of magazines, decks hatches and holds for handling military explosives.
146.29-30 Location of magazines and ammunition stowage.
146.29-31 Types of stowage.
146.29-32 Allocation of stowages.
146.29-33 Magazine stowage "A".
146.29-34 Magazine stowage "B".
146.29-35 Ammunition stowage.
146.29-36 Chemical ammunition stowage.
146.29-37 Pyrotechnic stowage.
146.29-38 Detonator stowage.
146.29-39 Magazine, Type A.
146.29-40 Specifications Type A magazine.
146.29-41 Specifications Type B magazine.
146.29-42 Ammunition stowage.
146.29-43 Chemical ammunition stowage.
146.29-44 Pyrotechnic stowage.
146.29-45 Detonator stowage.
146.29-46 Portable magazine.
146.29-47 Bomb-fin assemblies and fuzes.
146.29-48 Ventilation of magazines.
146.29-49 Authority to load; loading facilities and use.
146.29-50 Statements of characteristic properties and hazards.
146.29-75 Stowage chart.
146.29-100 Military ammunition and explosives in bulk.


AUTHORITY: §§ 146.29-1 to 146.29-50, inclusive; § 146.29-75 and § 146.29-100 issued under R.S. 4472, as amended, 46 U.S.C., 1940 ed., 170; E.O. 9083, February 28, 1942, 7 F.R. 1609.

§ 146.29-1 *Existing regulations inapplicable.* Section 146.02-21, § 146.03-3, § 146.06-9, §§ 146.09-1 to 146.09-6, inclusive; §§ 146.20-7 to 146.20-25, inclusive; §§ 146.20-50 and 146.20-100, of the regulations in this part, are hereby declared inapplicable to the transportation of military explosives.

§ 146.29-2 *Scope.* The provisions of the regulations contained in §§ 146.29-1 to 146.29-50, inclusive, §§ 146.29-75 and 146.29-100, apply to the transportation of military explosives, as cargo, on board all vessels that are subject to the regulations in this part. Commercial shipments of explosives shall be tendered and transported in compliance with the applicable provisions of the regulations contained in the other sections in this part.

§ 146.29-3 *Effective date.* Under the provisions of subsection (9) of R.S. 4472, as amended, the regulations contained in §§ 146.29-1 to 146.29-50, inclusive, §§ 146.29-75 and 146.29-100; are effective immediately and shall remain in effect for the duration of the war and for six months thereafter, except as subsequently modified or rescinded.

§ 146.29-4 *Port security regulations.* The applicable provisions of the regulations entitled "Regulations for Security of Ports and the Control of Vessels in the Territorial Waters of the United States" (33 CFR, Part 6), shall unless specifically authorized to the contrary by any pro-

vision of these sections be complied with by vessels, masters, agents, or charterers thereof and by all persons engaged in handling, loading, stowing or unloading explosives.

§ 146.29–5 *Definitions.* (a) For the purposes of the regulations in this part, military explosives are defined as follows:

(b) *Military explosives.* Military explosives consist of all Class A, B, or C explosives shipped by, for or to the U. S. Navy or War Departments; or similar types of explosives shipped by, for or to the government of any country whose defense is deemed vital to the defense of the United States. These explosives are divided into two classes as follows:

(1) *Ammunition.* Ammunition consists of all types of shells, projectiles, grenades, bombs, mines, torpedoes, torpedo warheads, propellant powder charges, pyrotechnics, chemical, smoke or incendiary ammunition, or other devices containing explosives that are utilized by the armed forces in the prosecution of the war.

(2) *Explosives in bulk.* Explosives in bulk consist of any high explosives, black powder, and low explosives or smokeless powder in accordance with the definitions in §§ 146.20–1, 146.20–2, and 146.20–3 in this part, when such substances are shipped in containers other than containers such as shells, bombs, grenades, mines, torpedoes, powder bags in individual containers, cartridges, fuzes, detonators, caps, primers and similar "made up" ammunition devices.

§ 146.29–6 *Packing and marking.* Military explosives shall not be offered to vessels or accepted by vessels subject to the regulations in this part unless they are in proper condition for transportation and are packed, marked, labeled, described, certified and otherwise acceptable in accordance with the applicable provisions of the regulations in this part.

§ 146.29–7 *Stowage on board vessels.* (a) All articles of cargo classified as military explosives by the regulations in these sections shall be stowed on board a vessel in conformity with the provisions of the regulations in these sections. Mixed stowage of ammunition or explosives in bulk with other ammunition or explosives, or other dangerous articles or substances, or combustible liquids or hazardous articles shall be in conformity with the provisions of the loading and stowage chart, § 146.29–75 and other applicable specific provisions of these sections. Specifications governing construction and location of magazines and lockers and the preparation of cargo compartments to be used in the stowage of ammunition or explosives in bulk are detailed in §§ 146.29–28 to 146.29–48, inclusive.

(b) Barges engaged in the transfer of explosives between receiving points and delivery points within the harbors, bays, sounds, lakes and rivers including the explosive anchorages on the navigable waters, shall conform to the applicable provisions of §§ 146.10–1 to 146.10–50, inclusive, of the regulations in this part. Ammunition or explosives in bulk, in combustible outside packages, stowed "On deck in open" shall after loading and during transportation be covered by tarpaulins securely lashed in place.

§ 146.29–8 *Stowage of ammunition or explosives in bulk in holds containing coal.* Unless especially authorized, ammunition or explosives in bulk shall not be stowed in a hold containing coal, nor in a hold above or adjacent to one containing coal.

§ 146.29–9 *On deck stowage.* (a) Articles classified as ammunition or explosives in bulk, the stowage of which is permitted "On deck" by the regulations in this section shall be properly secured. Such security may be obtained by using existing vessel's structures such as bulwarks, hatch coamings, shelter deck and poop bulkheads as part boundaries and effectively closing in the cargo by fitting angle bar closing means secured by bolting to clips or other parts of the ship's structure. Lashing of deck stowage permitted, provided eye pads are fitted to carry such lashings. Guard rails shall not be used to secure such lashings.

(b) Bulky articles may be secured by lashing with individual wire rope lashings.

(c) Shoring of such bulky articles of cargo shall be in addition to the foregoing means of securing.

(d) Ammunition or explosives in bulk stowed "On deck" shall not be stowed within a distance of 50 feet of the top side terminus of an ash hoist or a galley or any airing spaces allotted for the use of the crew.

§ 146.29–10 *Stowage adjacent to other dangerous articles.* (a) Ammunition or explosives in bulk shall not be stowed in the same holds in which inflammable liquids, inflammable solids, or oxidizing materials or inflammable compressed gases are stowed, nor in holds below such substances when the same are stowed "On deck" nor in holds adjacent to those in which such substances are stowed.

(b) Ammunition or explosives in bulk shall not be stowed in the same hold with combustible liquids or hazardous articles.

(c) Ammunition or explosives in bulk shall not be stowed in the same hold nor in a hold below one in which corrosive (white label) liquids are stowed, nor in a hold below such substances when the same are stowed "On deck".

§ 146.29–11 *Stowage with nondangerous cargo in the same hold.* Ammunition or explosives in bulk that are stowed in the same hold with nondangerous cargo shall be protected from damage likely to be caused by heavy nondangerous cargo. Shafting, steel bar, steel shapes, pipe, heavy machinery, military vehicles (uncrated), and similar types of cargo shall, when stowed within the same hold be so isolated or dunnaged or secured as to prevent damage to ammunition or explosives in bulk or magazines containing said substances, or temporary bulkheads protecting explosive stowages, under any conditions likely to be encountered during the voyage.

§ 146.29–12 *Stowage and dunnaging of ammunition and containers of explosives in bulk.* (a) Ammunition and the containers of ammunition or explosives in bulk shall be so stowed and dunnaged as to prevent movement in any direction.

(b) Containers of ammunition or explosives in bulk marked "This Side Up" shall be so stowed.

(c) Kegs of black powder shall be stowed in an upright position, the bungs or other opening up, and each tier shall be completely dunnaged.

(d) Metal containers of smokeless powder in bulk having closure means which protrude beyond the chime or the surface of the container shall be so dunnaged as to prevent damage occurring to such closures.

(e) The uppermost tier of ammunition or containers of ammunition or explosives in bulk shall be so braced and blocked that no displacement can occur either upwardly or laterally.

(f) Containers of ammunition or explosives in bulk shall be so stowed that they shall not be liable to be pierced by the dunnaging or crushed by superimposed weight.

(g) Containers of ammunition or explosives in bulk shall not be "cant" stowed, such shall be stowed in full bearing. Broken stowage shall be dunnaged out with cordwood to provide bearing for the container to be added in the tier next above.

(h) Fixed or semi-fixed ammunition in fiber containers, crated or uncrated, may be stowed on its base or on its side. Dunnaging shall be accomplished in such manner as to bear only upon the metal part of the container. No dunnage or weight shall bear directly upon the fiber portion of the container.

(i) Propellant powder charges in uncrated containers shall be stowed on end. Dunnaging shall be accomplished in such manner as to bear only upon the metal part of the container. No dunnage or weight shall bear directly upon the fiber portion of the container. Overstowage with other containers of propellant charges is permitted not to exceed a total of three tiers including the base tier. Each tier shall be floored off.

(k) Separate loading shells that are not boxed or crated may be stowed on their bases or on their sides.

(l) When tween deck holds of cargo vessels are utilized for the stowage of military explosives, the quantity of such military explosives stowed in a hold shall not be in excess of 45 pounds per square foot of deck space for each foot of tween deck height, i. e. a tween deck hold having a deck height of 10 feet is permitted to load up to 450 pounds per square foot of deck area.

§ 146.29–13 *Cargo working equipment.* (a) Before military explosives are loaded or unloaded on or from a vessel the master or other person in charge of the vessel is required to ascertain by examination the condition and working order of all slings, crates, baskets, boxes, chutes, mattresses, tackle and other equipment to be used in the transfer operation.

(b) Any and all equipment which in the judgment of the master or other person in charge of the vessel is not in safe working condition shall be rejected and he shall prohibit its use and take such precautions as he may deem necessary to be certain such rejected equipment is not used for the purpose of loading or unloading explosives. The master or other person in charge of the vessel shall keep watch of all equipment used during the transfer of explosives and if any part of the equipment shows any defect or is damaged in use, work shall be stopped and the damaged or defective equipment repaired or replaced before permitting the loading or unloading to continue.

(c) This inspection of cargo working equipment shall apply to the vessel's equipment and to stevedores or other contractor's equipment.

§ 146.29–14 *Lights, tools and equipment.* (a) No artificial light except electric lights or electric lamps or flood lights shall be used while loading or unloading military explosives. Such light fixtures shall not be used unless protected against accidental breakage by metal guards. Portable electric lights shall be fitted with stout guards protecting the bulb. Wire of such lights shall be sound and show no evidence of liability to short circuit.

(b) Flashlights of a non-spark type shall be provided by the vessel owner or operator for persons required to enter holds in which explosives are stowed.

(c) Members of the crew of the vessel and other persons permitted on board the vessel to aid and assist in loading or unloading military explosives, shall not be permitted to have or carry on their persons, firearms, matches, knives, bale hooks, metallic tools or personal packages of any description. Lunch boxes, pails, or thermos bottles shall not be brought onto a vessel unless such have been examined and passed by the Coast Guard detail. Lunches shall not be eaten in a hold of a vessel.

(d) Persons engaged in loading explosives shall not wear boots or shoes shod or strengthened with nails or other metal unless such boots or shoes are covered with a nonsparking material.

§ 146.29–15 *Fires and fire protection.* (a) No unnecessary fire shall be permitted on docks, lighters or vessels while loading or unloading military explosives.

(b) Fires deemed necessary must be properly safeguarded and be in constant charge of some competent person assigned for that purpose by the master or person in charge of the vessel, for the entire period of cargo transfer.

(c) Barges, lighters, towboats and other types of vessels engaged in the handling and transfer of military explosives, and equipped with means for heating, cooking, lighting or power involving use of smoke pipes shall have such smoke pipes protected by spark screens. Insofar as practicable such barges, lighters, towboats and other types of vessels shall not come alongside a vessel loading or discharging military explosives opposite the area where hatches are open to receive cargo. (See § 146.29 (f)).

(d) Welding or cutting operations, involving the use of open flame or arc shall not be undertaken on a vessel having explosives on board except upon special permission of the captain of the port.

§ 146.29–16 *Smoking.* Smoking is prohibited on or near any vessel loading or unloading explosives. "No Smoking" warning signs shall be posted during operations of loading and unloading such cargo. One such "No Smoking" sign shall be located on the pier at a safe distance from the vessel when such loading or unloading is taking place at a pier.

§ 146.29–17 *Liquor or drugs.* No person who, in the judgment of the master, person in charge of the vessel or the officer in charge of the Coast Guard detail, may be considered as being under the influence of liquor or of drugs shall be permitted on board a vessel while operations involving the loading, stowage, unloading or transportation of explosives are being carried on.

§ 146.29–18 *Handling and slinging of explosives.* (a) All ammunition and explosives in bulk must be handled carefully. They shall not be thrown, dropped, rolled, dragged, or slid over each other or over the decks. The provisions of the table in § 146.29–100 with reference to handling shall be observed.

(b) In transferring ammunition or explosives in bulk from a pier or another vessel to the receiving vessel, or from a vessel to a pier, the packages may be handled by hand, mechanical hoist or where permitted by the regulations in this section a specification chute and mattress may be used. (See § 146.09–11 and § 146.09–12, Specification of chute and mattress.) A chute shall not be used when the difference in elevation between the two vessels or between a vessel and the loading dock would result in imparting dangerous shocks to the packages by reason of the angle of elevation. When loading or unloading by mechanical means, all ammunition or explosives in bulk shall be handled in the type equipment as specified for the various classes of explosives in the tables, § 146.29–100. The maximum load handled in trays or rope net slings per draft shall not exceed 2,400 pounds. Containers of explosives shall be arranged on trays so that no portion of any container overhangs the ray. For trays provided with sideboards, packages of explosives shall not extend above the sideboard of the crate except packages standing on end may extend above such sideboard, provided the extension does not exceed one-third of the length of the package. Rope net slings shall be so loaded that when lifted a minimum displacement of packages shall occur and the sling shall completely contain the entire load. Explosives shall be hoisted and lowered carefully onto a mattress. Ammunition in fiberboard containers shall not be slung in rope nets. Handles or beckets on ammunition packages shall not be used for slinging purposes.

(c) Blasting caps, detonating fuzes fulminate of mercury and other initiating or priming explosives as defined in the regulations in this part shall be considered as constituting a distinct class of dangerous explosives, and because of the hazard involved they shall be handled with extreme care (See Class VIII, § 146.29–100).

(d) "Cant" or barrel hooks shall not be used for raising or lowering a barrel, drum or other container of military explosives. Metal bale hooks shall not be used in handling packages of such explosives.

§ 146.29–19 *Loading military explosives and other cargo simultaneously.* (a) Ammunition or explosives in bulk shall not be loaded in the same hatch at the same time as other cargo is being worked in any of the holds serviced through said hatch.

(b) When explosives in bulk are stowed in a hold below one in which other cargo is being worked, the tween deck hatch dividing the two holds will have all of its covers securely in place.

(c) Ammunition or explosives in bulk may be loaded in a hold before or after other cargo, provided that all precautions are taken to assure full protection to the explosives against the hazard of articles being dropped from the sling. When possible tween deck hatches should

be partially covered to assure such protection.

(d) Padeyes, anglebars or other devices for securing deck cargo shall not be welded to the deck of a vessel in which military explosives are stowed except upon special permission of the captain of the port and then only in the presence of an officer of the Coast Guard detail and in conformity with said officer's instructions.

§ 146.29–20 *Fire hose.* During the loading of military explosives the vessel shall "run out" at least two lines of hose on the weather deck with nozzles adjacent to the hatch (insofar as possible one line shall be to starboard and one to port or one forward and one aft of the hatch). Sufficient hose shall be led out adjacent to the hatch to permit ready lowering of the hose into the hold. The fire line valve shall remain "cracked open" (except in freezing weather) so casual observation may indicate water is available.

§ 146.29–21 *Damaged or leaking containers of explosives.* (a) Any container of explosives showing evidence of damage or leaking of a liquid ingredient shall not be accepted for transportation or storage on board any vessel.

(b) Any container of an explosive when offered for transportation or storage, showing excessive dampness or which is moldy or shows outward signs of any oil stain or other indications that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part of the explosive is greater than the absorbent can carry, shall not be accepted for transportation. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil or similar substance. In case of doubt the container shall be refused.

§ 146.29–22 *Defective ammunition.* Ammunition found to be defective while being unloaded from a barge, freight car, or other vehicle, shall not be placed on board a vessel. If found to be defective while on board the vessel, it shall, if at all possible, be removed from the vessel to an isolated location as quickly as possible.

§ 146.29–23 *Recoopering damaged packages.* Defective packages shall not be recoopered in the hold of a vessel. Such packages shall not be recoopered elsewhere on board the vessel except upon and under conditions authorized by the captain of the port.

§ 146.29–24 *Permit to load explosives.* The owners, charterers, agents or master of a vessel or other person shall not accept on board a vessel any military explosives, as cargo, until a permit authorizing such loading has been granted by the captain of the port.

§ 146.29–25 *Explosives loading detail.* (a) There will be assigned to every vessel, subject to the regulations in this part, loading or discharging military explosives at an explosives anchorage, explosives loading pier or an ammunition loading pier, a Coast Guard detail to supervise such loading or discharge. The owners, agents, charterers, master or person in charge of the vessel and all persons engaged in the handling, loading and stowage of the military explosives shall obey all orders, oral or written, that are given by the person in charge of said detail.

(b) A vessel, subject to the regulations in this part, loading or discharging military explosives at a Navy or Army depot, arsenal, navy yard, port of embarkation, or other facility under the direct control and operation of the Navy or Army shall apply to the captain of the port for a permit for such loading. A Coast Guard detail will be assigned to such a vessel unless the commanding officer of such Navy or Army facility declines the detail.

§ 146.29–26 *Personnel identification.* (a) The provisions of this section shall apply to vessels loading or discharging military explosives in accordance with the provisions of § 146.29–25 (a).

(b) No person shall enter upon a vessel loading or unloading military explosives unless such person first identifies himself to the satisfaction of the Coast Guard detail.

(c) Every person that is permitted to enter into a magazine or a hold or compartment of a vessel wherein military explosives are being handled or stowed shall provide the Coast Guard representative with his name and address and the name and address of the firm employing him, furnishing satisfactory identification to substantiate such information.

(d) A person who, for any reason, is requested to leave a vessel loading or discharging military explosives by the person in charge of the Coast Guard detail shall immediately obey the request and not return until permission is granted.

§ 146.29–27 *Ship's officer present.* (a) During the entire operation involving the building of a magazine, the preparation of holds, and the actual handling and stowage of military explosives, it shall be the responsibility of the master of the vessel to assign a deck officer of the vessel who shall be in constant attendance. It shall be this officer's responsibility to see that the provisions of the regulations in this part, insofar as such provisions apply to the vessel, are complied with.

(b) It shall be this officer's further responsibility at the end of the work shift to see that all means of access to the partially loaded holds are closed off in such a manner as to provide the maximum safety and protection for the explosives stowed within the hold.

§ 146.29–28 *Constructing magazines.* All work in connection with the constructing of a magazine, or other conditioning of holds, decks, or hatches shall be completed before the actual loading of ammunition of bulk explosives is undertaken.

§ 146.29–29 *Preparation of magazines, decks, hatches and holds for handling military explosives.* (a) The floors of all magazines and holds shall be cleared of all rubbish, discarded dunnage and be swept broom clean before commencing to load any ammunition or explosives in bulk. Bilges shall be examined and any residue of previous cargo removed therefrom.

(b) All decks, gangways, and hatches over or through which ammunition or explosives in bulk must be passed or handled in loading or unloading, shall be freed of all loose material and shall be swept broom clean both before and after loading or unloading.

(c) The hatches or cargo ports opening into a compartment in which ammunition or explosives in bulk are stowed shall be kept closed at all times during loading and unloading of the compartment. When closed, wooden hatch covers shall be covered with tarpaulins.

(d) No debris of any description shall be permitted to stand on the weather deck adjacent to a cargo hatch in which ammunition or explosives in bulk are being worked.

(e) Hatch covers shall, where possible, be stowed on the opposite side of the hatch from that over which the ammunition or explosives in bulk are being worked. If this is impossible the hatch covers that are stowed on the working side shall be so stowed as to form as level a platform as possible.

(f) During the time a hatch is open and military explosives are being worked or stowed, the vessel shall display two red flags from the rails or bulwarks on each side of the vessel to indicate explosives are being loaded and the hatches are open. The vessel's officer on duty supervising the loading of explosives shall warn the masters of other vessels coming alongside and the operator of any

dock equipment (capable of producing sparks) to stay clear of the area between the flags insofar as is practicable. The flags shall be not less than 4 square feet in area and mounted horizontally at least two feet clear of the ship's side, and spaced at least ten feet forward and ten feet aft of the open hatch or hatches.

§ 146.29–30 *Location of magazines and ammunition stowage.* (a) A cool location being an important factor, magazines shall be built and ammunition stowed in an authorized location in accordance with the following factors in the order listed.

(1) A tween deck hold, preferably a lower tween deck.

(2) A lower hold.

(3) In the square of a hatch. If in the square of a weather deck hatch, having wooden hatch covers, a steel plate of not less than 5 pounds weight per square foot, or other approved protection adequately secured in place, shall be fitted over the top side of the wooden hatch covers.

(4) A shelter deck in a location as far removed from uptakes or engine casing as possible.

(5) A forecastle, poop or permanent deck house provided the space is ventilated and does not contain any "In use" crew accommodations, nor vessel stores and can be closed off from traffic while at sea.

(6) Insulated spaces normally comprising refrigerator spaces may be used for the stowage of all classes of ammunition or bulk explosives, except chemical ammunition, provided all regulations relative to stowage of explosives with other dangerous articles of cargo are observed and the spaces may be ventilated sufficient to provide a temperature consistent with the temperature of other holds of the vessel. When such spaces are fully ceiled the entire compartment will be considered as a magazine, however, any pipes within the compartment shall be protected by horizontal cargo battens of a size not less than commercial 2" x 4", spaced not more than 12" apart, center to center and secured to 4" x 6" uprights spaced not more than 36" apart. Refrigerator spaces, the floors of which are lined with lead, shall not be used as a stowage for picric acid in bulk.

(7) Explosives in bulk and Classes VIII, X and XI ammunition shall not be stowed immediately below the principal bridge. At least one compartment of normal deck height shall intervene between the bridge and the stowage of such explosives in bulk.

(8) Explosives in bulk shall not be stowed in a compartment immediately below or adjacent to crew accommodations.

(9) Classes VIII, X, or XI ammunition shall not be stowed in a compartment immediately below or adjacent to crew accommodations.

(b) When it is necessary to construct a magazine or to stow ammunition adjacent to engine or boiler room bulkheads, uptakes, casings or galley or coal bunker bulkheads, the following provisions shall be complied with:

(1) A tight wooden bulkhead shall be constructed at least one foot off the engine room, boiler room, galley or coal bunker bulkheads or the engine or boiler room uptakes or casings.

(2) Construction shall be of commercial 2" boarding secured on 4" x 6" uprights if constructed in a tween or shelter deck or 6" x 6" uprights if constructed in a lower hold. Spacing of uprights shall not exceed 30" in a tween deck or 24" in a lower hold. Horizontal bracing shall be fitted between temporary and permanent bulkheads.

(3) Temporary bulkheads shall be constructed with smooth side facing the stowage of the ammunition.

(4) Nails shall be set below the surface of the boarding.

(c) A magazine shall not be constructed in bearing with the forward collision bulkhead.

(d) Stowage provided for ammunition and explosives in bulk shall be dry and should be well ventilated. Ventilator heads fitted to systems leading into spaces in which military explosives are stowed shall be covered with two layers of wire screen of not less than 20 x 20 mesh.

§ 146.29–31 *Types of stowage.* The types of stowage prescribed for military explosives are described as follows:

Magazine stowage "A."
Magazine stowage "B."
Ammunition stowage.
Chemical ammunition stowage.
Pyrotechnic stowage.
Detonator stowage.
Bomb fin stowage.

§ 146.29–32 *Allocation of stowages.* Ammunition or explosives in bulk that are tendered to a vessel for transportation, as cargo, shall be stowed on board the vessel utilizing the type of stowage authorized for the particular ammunition or explosives in bulk by the provisions of the tables in § 146.29–100.

§ 146.29–33 *Magazine stowage "A."* Explosives or ammunition in bulk requiring Magazine stowage "A" shall be stowed in a magazine constructed in accordance with specifications for Type "A" magazine shown in § 146.29–40.

§ 146.29–34 *Magazine stowage "B."* Explosives or ammunition in bulk requiring Magazine stowage "B" shall be stowed in a magazine constructed in accordance with specifications for Type "B" magazine shown in § 146.29–41.

§ 146.29–35. *Ammunition stowage.* Ammunition requiring ammunition stowage shall be stowed in accordance with the specifications for such stowage as set forth in § 146.29–42.

§ 146.29–36 *Chemical ammunition stowage.* Chemical ammunition shall be stowed in accordance with the specifications for such stowage as set forth in § 146.29–43.

§ 146.29–37 *Pyrotechnic stowage.* Pyrotechnic ammunition shall be stowed in accordance with the specifications for such stowage as set forth in § 146.29–44.

§ 146.29–38 *Detonator stowage.* Detonators, primers, fuzes, blasting caps and similar types of ammunition devices shall be stowed in accordance with the specifications for such stowage as set forth in § 146.29–45.

§ 146.29–39 *Magazine, Type A.* (a) The following regulations shall be observed in the construction of a magazine required for "Magazine A" type of stowage.

(b) A type "A" magazine shall be located in the vessel in conformity with the provisions of § 146.29–30.

(c) A type "A" magazine shall be so positioned that the door to such magazine is easily accessible from a hatchway.

(d) A type "A" magazine may be constructed of wood, using clean undressed lumber. Sizes as given in the specifications are minimum. Increased sizes may be used if desired. Nails used for fastening lumber shall be copper, cement-coated or galvanized. Copper nails shall be driven flush, cement-coated and galvanized nails shall be set below the surface of the lumber.

(e) When a Class A magazine measures more than 40' in any direction, a division bulkhead shall be fitted within the magazine as near half length as practicable, extending from the deck to at least the top of the stowage. Such division bulkhead shall be constructed to the same scantlings as the sides of the magazine, except the boarding may be spaced not more than 6" apart alternately on both sides of the uprights. This bulkhead shall be constructed before loading commences and care shall be exercised that nail points do not protrude beyond the surface of the boarding.

§ 146.29–40 *Specifications Type A magazine.* (a) Magazines may be constructed of steel or wood.

(b) Magazines constructed of steel shall have the whole of the interior thoroughly protected by wood dunnage of a minimum thickness of ¾". This lining may be installed during the progress of the stowage. Metal stanchions within the magazine shall be boxed with wood of a thickness of not less than ¾". Bulkhead stiffeners or other structural members extending into the stowage space shall not be protected by dunnaging but shall be completely boarded over. When

bare steel decks or tank tops are utilized to form the floor of a magazine, a wooden floor consisting of at least two layers of commercial 1" thick dunnaging shall be laid, the top course being laid crosswise to the lower course. When steel decks or tank tops are originally fitted with a wood flooring or are ceiled, it shall only be necessary to fit one course of dunnage. All flooring formed by these methods shall be laid with commercial 1" lumber of widths not less than 6", fitted as close as possible, edge to edge, and butt to butt.

(c) Magazines constructed of wood shall comply with the following specifications: The bulkheads forming the sides and ends shall be constructed of commercial 1" lumber, or of ¾" tongue and groove sheathing, secured to uprights of at least a 3" x 4" size, spaced not more than 18" apart and secured, at top, bottom and center with horizontal bracing. When a magazine is constructed as a permanent compartment in the vessel, increased size and finish of lumber and other methods of fastening may be used provided such fastenings are recessed below the surface of the boarding to avoid projections within the interior of the magazine. All boarding shall be fitted and finished so as to form a smooth surface within the interior of the magazine. Construction shall be such as to separate all containers of explosives from contact with metal surfaces of the structure of the vessel. When a metal stanchion, post or other obstruction is located within the interior area of the magazine, such obstruction must be completely covered with wood of a thickness of at least ¾", secured in place with nails or screws. When screws are used for fastening, the screw heads shall be countersunk below the surface of the wood. When nondangerous cargo is to be stowed adjacent to the exterior of the magazine, wooden cargo battens of not less than commercial 2" x 4" size, spaced not less than 12", center to center shall be fitted horizontally to the uprights forming the frame of the magazine. The floor of the magazine shall conform to the provisions of paragraph (b) of this section.

(d) Uprights shall not be stepped directly onto a metal deck. A 2" x 4" bearer to carry the uprights shall be laid upon the metal deck. A 2" x 4" header shall be fitted against the underside of an overhead deck to receive the tops of uprights. Tops of uprights fitted against channel beams may be wedged direct to the beam with 2" x 4" spacers fitted between. Care shall be taken in securing upright framing that no nails penetrate to the interior of the magazine.

(e) A magazine constructed in accordance with the provisions of paragraphs (b) or (c) of this section, in which it is proposed to stow containers of explosives within 12" of the overdeck beams, or hatch coaming, shall have such deck beams and coaming sheathed with wood in a manner similar to that required for metal stanchions, posts or other obstructions by the provisions of paragraph (c) of this section.

(f) The door of the magazine shall be of substantial construction fitted reasonably tight into its jamb. The door may be secured in place by the use of exterior battens and wedges.

§ 146.29–41 *Specifications Type B magazine.* (a) This type of magazine is for the stowage of ammunition or explosives in bulk designated as requiring magazine stowage "B" by the provisions of the tables. (§ 146.29–100.)

(b) When an entire compartment or hold is utilized for the stowage of explosives that are required by the regulations in this part to be given magazine stowage "B", the entire compartment may be considered as a magazine. The frames and bulkhead stiffeners protruding into the compartment shall be effectively boarded over to provide a smooth surface for the stowage of the explosives. This boarding need not be applied to the overdeck beams when the explosives are not stowed closer than 12 inches of such beams. If explosives are stowed up to the overdeck beams and into the square of the hatch formed by the coaming, such overdeck beams including the hatch coaming shall be effectively boarded over. The installation of such boarding shall be in accordance with the specifications for the construction of a Type "A" magazine, except, when cargo battens are fitted to the vessel's frames or bulkhead stiffeners, such boarding may be secured vertically using the battens as an anchorage for the necessary securing means, and may be spaced not more than 6" apart. Permanent bulkheads forming a boundary of the compartment or hold that do not carry stiffeners or other structural projections greater than those formed by plate laps or bounding angles, on the side facing the explosives' stowage, need not be sheathed with wood but in lieu thereof dunnaging, consisting of commercial 1" boards may be laid vertically against such bulkhead as the stowage of the explosives progresses. This boarding shall be laid edge to edge. Deep frames, girders or webs extending inboard of the line formed by the cargo battens or dunnaging shall be sheathed with wood.

(c) When part of a compartment or hold is utilized for the stowage of ammunition or explosives in bulk that are required to be given magazine stowage "B", the remaining portion of the compartment or hold may be utilized for the stowage of general cargo, provided no article of such general cargo is described by the regulations in this part as dangerous, and provided further that a temporary wooden bulkhead is constructed in the compartment or hold to completely divide and protect the stowage of ammunition or explosives in bulk and the stowage of the nondangerous general cargo. The scantlings and construction of such temporary bulkheads shall be as follows: For tween deck compartments or holds, construction shall be of commercial 2" boarding, secured on 4" x 6" uprights spaced not to exceed 30" center to center. For lower holds construction shall be of commercial 2" boarding secured on 6" x 6" uprights spaced not more than 24" center to center. Random widths of boarding may be used. The boarding will be applied close fitted, edge to edge and butt to butt to form a smooth surface facing the explosive stowage. If copper nails are used they shall be driven flush with the surface of the wood. Other types of nails shall be set below the surface of the wood. Frames, beams, girders, webs or stanchions within the area used for the stowage of explosives shall be boarded over. The uprights forming the frame of the temporary bulkhead shall, on the general cargo side, be fitted with cargo battens of a commercial 2" x 4" size spaced 12" center to center to a height equal to the height of the general cargo stowed within the hold. One or more doors, of substantial construction fitted reasonably tight, shall be built into this bulkhead. The door may be secured in place by the use of exterior battens and wedges.

§ 146.29–42 *Ammunition stowage.* Ammunition that is authorized to be given ammunition stowage by the provisions of the tables (§ 146.29–100), shall be stowed in a location selected in accordance with the procedure as set forth in § 146.29–30. Dunnage flooring shall be laid over metal decks or tank tops. Dunnaging shall be fitted to insure that no packages or articles of ammunition directly contact metal parts of the vessel. Tiers of ammunition will be floored off with wood dunnage as required. Ammunition shall not be overstowed unless such overstowing is permitted by the provisions of the regulations in these sections.

§ 146.29–43 *Chemical ammunition stowage.* Chemical ammunition, Class XI, shall be stowed in a deep tank or No. 1 lower hold. When stowed in a deep tank pump suctions shall be effectively sealed off to prevent the escape of any leakage which may take place. When stowed in No. 1 lower hold the hatch covers, ventilators and pump suction shall be effectively sealed off to prevent the escape of any leakage which may take place. Before entering a deep tank or a No. 1 lower hold containing chemical ammunition the air inside the compartment must be tested by competent personnel to ascertain if leakage has taken place. If leakage has occurred the operation of removing the explosives shall be conducted by skilled personnel, preferably

representatives of the Chemical Warfare Service. When the quantity of chemical ammunition to be stowed on board the vessel does not justify the use of a deep tank or No. 1 lower hold, a suitable tween deck space shall be selected and the ammunition stowed in a portable magazine especially constructed to prevent any leakage from the ammunition escaping outside of the magazine. The magazine shall be located at least 8' from the ship's side, the space between being stowed with suitable nondangerous cargo of a type not subject to contamination. No other explosives shall be stowed in the same tween deck hold.

§ 146.29–44 *Pyrotechnic stowage.* (a) Pyrotechnic ammunition shall be given ammunition stowage as described in § 146.29–42: *Provided, however,* Such articles shall not be stowed in a compartment in which any other explosives (except Class I ammunition) is stowed. Pyrotechnics shall not be overstowed with other cargo. The location of this type stowage shall be away from heat and in a dry area so protected as to insure no moisture contacting the packages.

(b) For limited quantities of pyrotechnic ammunition an alternate stowage may be utilized consisting of stowing in metal lockers or portable magazines so located as to conform with the provisions of paragraph (a) of this section as regards other explosives, overstowage, heat and moisture.

§ 146.29–45 *Detonator stowage.* (a) Stowage of Classes III, VI and VIII types of ammunition shall be in either a magazine type "A" or a portable magazine.

(b) The location of a magazine allotted to the stowage of these classes of ammunition is restricted to a hold or compartment in which no other ammunition (except Class I ammunition) or explosives in bulk, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, or hazardous articles are stowed. This ammunition when stowed within the magazine shall not be within 8 feet of the vessel's side.

(c) No explosives in bulk shall be stowed in a magazine that is being used for detonator stowage.

(d) No ammunition other than Classes I, III, VI and VIII shall be stowed in the magazine being used for detonator stowage.

(e) The stowage of ammunition of Classes III, VI and VIII and the stowage of any other class of ammunition (except Classs I ammunition) on board the same vessel, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 10 feet in any plane.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any plane.

(f) The stowage of ammunition of Classes III, VI, and VIII and the stowage of any explosives in bulk on board the same vessel, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any plane.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 40 feet in any plane.

(g) When a portable magazine is used for detonator stowage, such magazine may be stowed in the square of a weather deck hatch, provided the hatch covers are of steel, or if of wood, they are covered with a steel plate of not less than 5 pounds weight per square foot, or other approved protection, and adequately secured in place. The provisions of paragraphs (b), (c), and (d) of this section shall also be observed if such a location is utilized.

(h) Upon approval by the captain of the port a portable magazine laden with not more than 1000 fuzes of these classes may be stowed in an isolated cabin or a steel deckhouse secure from aircraft machine gun fire and not subjected to casual contact by persons on board the vessel.

(j) Barges having explosives in bulk laden thereon shall not have any Class III, VI, or VIII ammunition on board, at the same time, unless the separations required by the provisions of (f) of this section can be maintained.

(k) Barges having ammunition laden thereon shall, when having any ammunition of Class III, VI or VIII on board at the same time, maintain the maximum separation possible. If this be less than 10 feet with no deck or division bulkhead intervening, a barrier consisting of at least 2" wooden plank on 4" x 6" framing shall be imposed between the stowages.

(l) Except when circumstances require a different procedure these classes of ammunition shall be the last explosives to be loaded on board the vessel.

(m) When loading at an ammunition loading pier, these articles shall not be brought alongside in any barge containing smokeless powder propellant charges for separate loading ammunition.

§ 142.29–46 *Portable magazine.* Portable magazines shall be of a size not greater than 100 cubic feet capacity. They may be constructed of wood or of metal lined with wood. When constructed of wood, the frame bottom and siding shall be not less than the scantling requirements as given for a Type "A" magazine in § 146.29–40. A strong close-fitting, hinged cover reinforced with wooden battens (at least 1¼" thick by 5" wide) shall be fitted. Effective securing means shall be provided for the cover. At least four (4) padeyes with lashing rings, not less than 3" I. D. x ⅜" wire, shall be permanently attached to the magazine. When constructed of metal, the minimum thickness shall be not less than ⅛". The interior shall be lined with wood sheathing of a minimum thickness of ¾". Securing means shall be countersunk below the surface of the sheathing. Effective means shall be provided for securing the cover in place. Lashing rings as detailed above, or other methods for securing the stowage of the magazine shall be provided. All inner surfaces of the magazines shall be smooth and free of nails, screws, or other projections. Portable magazines shall carry the legend:

"Inflammable—Keep Lights and Fire Away".

§ 146.29–47 *Bomb-fin assemblies and fuzes.* (a) The stowage of bomb-fin assemblies (Bomb tail assemblies) shall be as follows:

(b) Bomb-fin assemblies uncrated, crated, boxed or in metal containers without the bomb fuze being included in the packing constitute an inert, nondangerous cargo and may be stowed in any suitable location on board the vessel.

(c) Bomb-fin assemblies, crated, boxed or in metal containers with the bomb fuze included within the packing may be stowed in the same compartment, hold or magazine with demolition bombs or fragmentation bombs. They shall not be stowed with smokeless powder in bulk, propellant powder charges for separate loading ammunition nor with any Class IX or XI types of ammunition or explosives in bulk.

(d) Bomb-fin assemblies, as described in paragraph (c), may be stowed in a hold or compartment with ammunition other than described in paragraph (c).

§ 146.29–48 *Ventilation of magazines.* A magazine that is not fitted with ventilating ducts to the atmosphere shall be ventilated by omitting the top course of boarding on the sides of the magazine to provide a clear space at least 1" and not more than 6" below the lower flange or toe of the deck beam within the compartment or hold in which the magazine is constructed. Cowl type ventilators of systems feeding directly into a magazine or a hold in which explosives are stowed shall be covered with a double layer of wire screen of not less than 20 x 20 mesh at the weather end of the cowl. This wire may be attached by folding it back along the cowl and securing the same in place by a sufficient serving with light line or wire to insure a positive closure.

§ 146.29–49 *Authority to load—loading facilities and use.* (a) For the purposes of the regulations contained in these sections, the explosives anchorages, explosives loading piers and ammunition loading piers which are under the provisions of "Regulations for Security of Ports and the Control of Vessels in the Territorial Waters of the United States" (33 CFR, Part 6), authorized to be used in loading or unloading explosives are identified as follows:

(1) *Explosives anchorages.* Explosives anchorages are those areas upon the navigable waters that are designated as areas within which a vessel may anchor or moor to receive or discharge cargo consisting of explosives.

(2) *Explosives loading piers.* Explosives loading piers are those piers designated by a captain of the port to which a vessel may moor to receive or discharge cargo consisting of explosives.

(3) *Ammunition loading piers.* Ammunition loading piers are those piers designated by a captain of the port at which a vessel may moor to accept or discharge cargo consisting of military ammunition.

(b) No ammunition or explosives in bulk shall be loaded on or discharged from a vessel except at one of the au-

thorized locations shown in (a): Provided, the vessel is authorized by the provisions of § 146.29–100 to load or unload, at the anchorage or pier being utilized, the particular class or type of ammunition or explosives in bulk involved: *Provided, further,* That the handling and stowage of the ammunition or explosives in bulk is in accordance with the applicable provisions of the regulations in this part.

(c) (1) Explosives prohibited by subsection 3, of R.S. 4472, as amended, shall not be accepted by any vessel.

(2) A passenger vessel shall not accept any Class A explosives for transportation as cargo.

(3) A passenger vessel shall not accept for transportation as cargo the following Class B explosives: Ammunition for cannon with empty projectile, ammunition for cannon with sand-loaded projectile, ammunition for cannon with solid projectile, ammunition for cannon without projectile or smokeless powder.

(d) A vessel may load or discharge military explosives at any Navy or Army depot, arsenal, navy yard, port of embarkation or other facility under the direct control an doperation of the Navy or Army; provided a permit authorizing such loading has been granted by the captain of the port (See §§ 146.29–24 and 146.29–25).

(e) In an emergency arising by reason of military necessity or casualty, a vessel may, upon authorization by a captain of the port, load or discharge military explosives in any location authorized by said captain of the port.

§ 146.29–50 *Statements of characteristic properties and hazards.* In the second, fourth and seventh columns of the tables, § 146.29–100, are statements in italics setting forth certain charcteristics and hazards of the substances or articles listed therein. It is not intended, nor shall it be assumed that these statements set forth all of the characteristic properties or hazards of the particular substance or article and such statements as are shown are informative only.

§ 146.29–75 *Stowage chart*

| The letter "X" at an intersection of horizontal and vertical columns indicates the particular kinds or types of military explosives that may be stowed together or with other dangerous articles. | Class | Amm. for cannon, blank | Amm. for can. w. cmp. proj. | Amm. for can. w. sand—Td. proj. | Amm. for can. w. solid proj. | Base detonating fuzes | Black powder (in bulk) | Blasting caps | Bombs, Armor piercing | Bombs, Chemical | Bombs, Demolition | Bombs, Frag. (mtl. cont.—bund.) | Bombs, Frag. (wood cont.—unbox.) | Bomb fuzes | Bomb fuzes (pack with fin-assem.) | Bombs, Photoflash | Boosters | Bulk Initiat. & Priming (wet) | Bursters | Chemical ammunition (expl.) | Chem. Am. Phos. (expl.) | Demolition blocks | Depth charges | Detonators | Fixed and semi-fix. am. | Flashlight powder—bulk | Fuze | Fuze, Mechanical (w. o. booster) | Grenades (explosive) | High expl. (in bulk) | Incendiaries, high expl. | Mine, Anti-tank | Mine fuzes | Mines, Naval | Mortar ammunition, Light | Point detonating fuzes | Primers | Primer detonators | Pyrotechnics | Rockets, Anti-aircraft | Rocket propellants (bulk) | Separate-loading shell | Shrapnel | Small-arms am. (w. o. expl. bul.) | Small-arms am. (w. expl. bul.) | Smokeless pow. (bulk in cont.) | Smokeless pow. prop. charges | Smokeless pow.-small arms (bulk) | Spotting charges | Warheads (torpedo) | Inflammable liquids | Inflammable Sol. and Oxid. Mat. | Corrosive liquids | Compressed gases | Poisons, Class A | Poisons, Class B | Tracers | Hazardous articles |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ammunition for cannon, blank | IV | ---- | × | × | × | -- | × | -- | -- | -- | × | × | × | -- | ---- | × | -- | ---- | -- | ---- | ---- | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × |
| Ammunition for cannon with empty projectiles | IV | × | ---- | × | × | -- | × | -- | × | × | × | × | × | -- | ---- | × | -- | ---- | -- | ---- | ---- | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × |
| Ammunition for cannon with sand-loaded projectiles | IV | × | × | ---- | × | -- | × | -- | × | × | × | × | × | -- | ---- | × | -- | ---- | -- | ---- | ---- | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × |
| Ammunition for cannon with solid projectiles | IV | × | × | × | ---- | -- | × | -- | × | × | × | × | × | -- | ---- | × | -- | ---- | -- | ---- | ---- | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × | × |
| Base detonating fuzes | VIII | ---- | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | -- | ×× | ---- | -- | ×× | ---- | -- | ×× | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Black powder (in bulk in containers) | IX | × | × | × | × | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Blasting caps | VIII | ---- | ---- | ---- | ---- | ×× | -- | -- | -- | -- | -- | ---- | ---- | ×× | ---- | -- | ×× | ---- | -- | ×× | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Bombs, Armor piercing | V | × | × | × | × | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Bombs, Chemical | XI | × | × | × | × | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | × | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | I | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Bombs, Demolition | X | × | × | × | × | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Bombs, Fragmentation (In metal crates or bundles) | X | × | × | × | × | -- | -- | -- | -- | -- | -- | ---- | × | -- | ---- | -- | -- | ---- | -- | ---- | ---- | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Bombs, Fragmentation (In wooden crates or unboxed) | IV | × | × | × | × | -- | -- | -- | -- | -- | -- | × | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Bomb fuzes | VIII | ---- | ---- | ---- | ---- | ×× | -- | -- | -- | -- | -- | ---- | ---- | ×× | ---- | -- | ×× | ---- | -- | ×× | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Bomb fuzes (Packed with fin-assemblies) | VIII | ---- | ---- | ---- | ---- | ×× | -- | -- | -- | -- | -- | ---- | ---- | ×× | V | -- | ×× | ---- | -- | ×× | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Bombs, Photoflash | X | × | × | × | × | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Boosters | VIII | ---- | ---- | ---- | ---- | ×× | -- | -- | -- | -- | -- | ---- | ---- | ×× | ---- | -- | ×× | ---- | -- | ×× | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Bulk initiating and priming explosives (wet) | IX | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | II | -- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Bursters | VIII | ---- | ---- | ---- | ---- | ×× | -- | -- | -- | -- | -- | ---- | ---- | ×× | ---- | -- | ×× | ---- | -- | ×× | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Chemical ammunition (Explosive) | XI | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Chemical ammunition, Phosphorus (Explosive) | II | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Demolition blocks | IX | ×× | ×× | ×× | ×× | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Depth charges | X | ×× | ×× | ×× | ×× | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Detonators | VIII | ---- | ---- | ---- | ---- | ×× | -- | -- | -- | -- | -- | ---- | ---- | ×× | ---- | -- | ×× | ---- | -- | ×× | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Fixed and semi-fixed ammunition | IV | × | × | × | × | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Flashlight powder in bulk | IX | ---- | ---- | ---- | ---- | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Fuze | VIII | ---- | ---- | ---- | ---- | ×× | -- | -- | -- | -- | -- | ---- | ---- | ×× | ---- | -- | ×× | ---- | -- | ×× | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Fuze, Mechanical (Without Booster) | I | ×× | ×× | ×× | ×× | -- | -- | -- | -- | -- | -- | × | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Grenades (Explosive) | IV, XI | ×× | ×× | ×× | ×× | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| High Explosives (In bulk) T. N. T., Dynamite, etc. | IX | × | × | × | × | -- | -- | -- | -- | -- | -- | ---- | ---- | -- | ---- | -- | -- | ---- | -- | ---- | ---- | × | ---- | ---- | ---- | ---- | × | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

§ 146.29–75 *Stowage chart—Continued*

| The letter "X" at an intersection of horizontal and vertical columns indicates the particular kinds or types of military explosives that may be stowed together or with other dangerous articles. | Class | Amm. for cannon, blank | Amm. for can. w. cmp. proj. | Amm. for can. w. sand—f'd, proj. | Amm. for can. w. solid proj. | Base detonating fuzes | Black powder (in bulk) | Blasting caps | Bombs, Armor piercing | Bombs, Chemical | Bombs, Demolition | Bombs, Frag. (mtl. crat.-bund.) | Bombs, Frag. (wood crat.-unbox.) | Bomb fuzes | Bomb fuzes (pack with fin-assm.) | Bombs, Photoflash | Boosters | Bulk Initiat. & Priming (wet) | Bursters | Chemical ammunition (expl.) | Chem. Am. Phos. (expl.) | Demolition blocks | Depth charges | Detonators | Fixed and semi-fix. am. | Flashlight powder—bulk | Fuze | Fuze, Mechanical (w. o. booster) | Grenades (explosive) | High expl. (in bulk) | Incendiaries, high expl. | Mine, Anti-tank | Mine fuzes | Mines, Naval | Mortar ammunition, Light | Point detonating fuzes | Primers | Primer detonators | Pyrotechnics | Rockets, Anti-aircraft | Rocket propellants (bulk) | Separate-loading shell | Shrapnel | Small-arms am. (w. o. expl. bul.) | Small-arms am. (w. expl. bul.) | Smokeless powder (bulk in cont.) | Smokeless powder propellant charges | Smokeless pow.-small arms (bulk) | Spotting charges | Warheads (torpedo) | Inflammable liquids | Inflammable Sol. and Oxid. Mat. | Corrosive liquids | Compressed gases | Poisons, Class A | Poisons, Class B | Tear gas | Hazardous articles |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Incendiaries, High explosive | IV | X | X | X | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mines, Anti-tank | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mine fuzes | VIII | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mines, Naval | X | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mortar ammunition, Light | IV | X | X | X | X | | | | | I | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Point detonating fuzes | VIII | | | | | X | | X | X | | | | | | | | | | | | | | X | X | X | X | | | | | | | | | | | | | | | | | | | | | | | | |
| Primers | VIII | | | | | X | | X | X | | | | | | | | | | | | | | X | X | X | X | | | | | | | | | | | | | | | | | | | | | | | | |
| Primer detonators | VIII | | | | | X | | X | X | | | | | | | | | | | | | | X | X | X | X | | | | | | | | | | | | | | | | | | | | | | | | |
| Pyrotechnics | II | | | | | | | | | | | | | | | | | | | | | | | | | X | | | | | | | | | | | | | | | | | | | | | | | | |
| Rockets, Anti-aircraft | IV | X | X | X | X | | | | X | | | | X | | | | | | | | | | | | | | X | X | X | X | | | | | | | | | | | | | | | | | | | | |
| Rocket propellants (In bulk) | IX | | | | | | | | | | | | | | | | | | | | | X | | | | | X | X | X | X | | | | | | | | | | | | | | | | | | | | |
| Separate-loading shell | V, VII | X | X | X | X | | | | X | | | | X | | | | | | | | | | | | | | X | X | X | X | | | | | | | | | | | | | | | | | | | | |
| Shrapnel | IV | X | X | X | X | | | | X | | | | X | | | | | | | | | | | | | | X | X | X | X | | | | | | | | | | | | | | | | | | | | |
| Small-arms ammunition (Without explosive bullets) | I | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | | X | | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Small-arms ammunition (With explosive bullets) | IV | X | X | X | X | | | | X | | | | X | | | | | | | | | | | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Smokeless powder (In bulk in containers) | II | X | X | X | X | | X | | | | | | | | | | | | | | | X | | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Smokeless powder propellant charges | II | X | X | X | X | | X | | | | | | | | | | | | | | | X | | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Smokeless powder for small arms (In bulk) | II | X | X | X | X | | X | | | | | | | | | | | | | | | X | | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Spotting charges | IX | X | X | X | X | | X | | | | | | | | | | | | | | | X | | | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| Warheads (Torpedo) | X | | | | | | | | X | | | | X | | | | | | | | | | X | | | | X | X | X | X | | | | | | | | | | | | | | | | | | | | |
| Inflammable liquids | | | | | | | | | | | | | | | | | | II | | | | | | | | | | | | | X | | X | | | | | | | | | | | | | | | | | |
| Inflammable solids and oxidizing materials | | | | | | | | | | | | | | | | | | II | | III | III | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Corrosive liquids | | | | | | | | | | | | | | | | | | | | IV | IV | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Compressed gases | | | | | | | | | | | | | | | | | | | | IV | IV | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Poisons, Class A | | X | X | X | X | | | | X | | | | X | | | | | | | IV | IV | | | | X | | X | | | | | | | | | | | | | | | | | | | | | | | | |
| Poisons, Class B | | X | X | X | X | | | | X | | | | X | | | | | | | IV | IV | | | | X | | X | | | | | | | | | | | | | | | | | | | | | | | | |
| Tear gas | | X | X | X | X | | | | X | | | | X | | | | | | | IV | IV | | | | X | | X | | | | | | | | | | | | | | | | | | | | | | | | |
| Hazardous articles | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

NOTE: This chart does not list every type of military explosive. For types not named hereon consult description shown by classes in the tables § 146.29–100. After identifying such unlisted explosive in bulk or ammunition, according to its class, it may then be stowed in the same manner as a similar type that is shown hereon.

CHART REFERENCES

I May be stowed with mortar-smoke shell.
II Wet nitrocellulose (collodion cotton), wet nitroguanidine and wet nitrostarch may be stowed in the same magazine.
III White or yellow phosphorus in drums shall not be stowed with chemical ammunition.
IV Chemical ammunition (non-explosive) may be stowed with chemical ammunition (explosive).
V See § 146.29–47 for additioanl provisions re stowage of bomb fuzes packed with bomb-fin assemblies.

§ 146.29–100 *Military ammunition and explosives in bulk*

| Class | Description | Marking | Hazard | Stowage | Loading | Handling |
|---|---|---|---|---|---|---|
| Class I.<br>"AMMUNITION" | Small-arms ammunition and mechanical time fuzes without boosters.<br>Includes all fixed ammunition such as is used in pistols, revolvers, rifles, shot guns, machine or antiaircraft guns (with non-explosive bullets) and mechanical time fuzes without boosters. For small-arms ammunition with explosive bullets See: Class IV. | "Small-arms ammunition."<br>"Mechanical time fuzes" | *Involvement in a fire* | Any compartment in which no inflammable liquids, inflammable solids or corrosive liquids are stowed. May be overstowed. | Any location in any area | Observe markings on packages to be certain that *no* "Small-arms ammunition with explosive bullets" is included. |

§ 146.29–100 *Military ammunition and explosives in bulk*—Continued

| Class | Description | Marking | Hazard | Stowage | Loading | Handling |
|---|---|---|---|---|---|---|
| Class II | Smokeless powder in containers. | "Smokeless powder for cannon." | *Loose powder may be ignited by spark or friction. Burns rapidly and with intense heat. Burning powder in a ship's hold may explode. May become unsafe if subjected to high temperature.* | TYPE "A" MAGAZINE.<br>Shall not be overstowed with any other kind of cargo.<br>Shall not be stowed in the same magazine with other ammunition or explosives unless the two stowages are separated by a partition bulkhead. | Explosives anchorage.<br>Explosives loading pier. | Do not chute or drag packages.<br>Do not accept damaged packages.<br>In event a package is damaged, carefully sweep up any powder. Do not attempt to recooper the package. Powder may be disposed of in deep water. |
| "EXPLOSIVES IN BULK." | In (bulk.) Smokeless powder for small arms. | "Smokeless powder for small arms." | | | | |
| "AMMUNITION" | (In bulk.) Packed in boxes, powder cans, or other containers. Smokeless powder propellant charges. "Made up" charges in cloth powder bags in outside metal or fiber pack containers. | "Smokeless powder for cannon." | *Loose powder may be ignited by spark or friction. Burns rapidly and with intense heat. Burning powder in a ship's hold may explode. May become unsafe if subjected to high temperature.* | TYPE "A" MAGAZINE.<br>Shall not be stowed in the same magazine with other ammunition or explosives unless the two stowages are separated by a partition bulkhead.<br>Shall not be overstowed with any other kind of cargo.<br>Fiber pack containers shall be stowed on end. | Explosives anchorage.<br>Explosives loading pier.<br>Ammunition loading pier. | Do not chute or drag packages.<br>Do not accept damaged packages.<br>In event a package is damaged, carefully sweep up any powder. Do not attempt to recooper the package. Powder may be disposed of in deep water. |
| "AMMUNITION" | Pyrotechnics, includes all types of military pyrotechnics except photoflash bombs and flashlight powder in bulk. Photoflash bombs are included in Class X. Flashlight powder in bulk is included in Class IX. | "Fireworks" | *The principal hazard is involvement in a fire. Some pyrotechnics may ignite spontaneously if exposed to moisture or high temperatures; but under these conditions, most types tend to become less sensitive and more difficult to ignite. Airplane flares involved in a fire may explode, most other types burn with intense heat and without serious explosion.* | AMMUNITION STOWAGE.<br>Shall be stowed away from heat and in a dry location. Protected against moisture contacting the stowage.<br>Shall not be stowed in a compartment with any other explosives except small-arms ammunition and mechanical fuzes without boosters.<br>Shall not be overstowed with any other kind of cargo. | Explosives anchorage.<br>Explosives loading pier.<br>Ammunition loading pier. | Do not load during rainy weather unless complete protection against moisture coming in contact with the packages is provided.<br>Handle carefully.<br>Do not subject packages to shock. Boxes shall not be dropped, thrown or loaded by chute. In loading over ship's side use crate or tray. |
| "AMMUNITION" | Chemical ammunition filled with phosphorus — When shipped assembled with their ignition elements, bursting charges, detonating fuzes or explosive components.<br>(For such ammunition when shipped without ignition elements, bursting charges, detonating fuzes or explosive components see Section 146.22-100)<br>*This type ammunition includes, but is not limited to: 75-mm. artillery shell, 155-mm. artillery shell, 8-inch artillery shell, 81-mm. mortar shell, 4-inch chemical mortar shell, 4.2-inch chemical mortar shell, 8-inch livens projector shell, 6-pound aviation bomb, 25-pound aviation bomb, 23-pound aviation bomb, 100-pound aviation bomb.* | "Explosives projectiles" or "Explosive bombs." | *The most characteristic property of white phosphorus is that of spontaneously igniting upon exposure to air, burning with an intensely hot flame and giving off large volumes of white smoke. The fumes are highly discomforting. Burning phosphorus gives off phosphorus oxide which is toxic upon sustained exposure thereto. Phosphorus is intensely poisonous when taken internally. It becomes a liquid at 111° F. Leakage, which sometimes occurs, usually gives warning by smoke.*<br>*Ammunition filled with fuzes and boosters and involved in a fire will usually explode with moderate violence thus tending to spread the fire rapidly.* | AMMUNITION STOWAGE or CHEMICAL AMMUNITION STOWAGE.<br>It is important to stow in locations not subject to temperatures above 100° F.<br>Shall not be stowed in a compartment with any other explosives except other chemical ammunition.<br>Shall not be overstowed with any other kind of cargo. | Explosives anchorage.<br>Explosives loading pier.<br>Ammunition loading pier. | Handle carefully. Do not use a chute in loading. Observe packages or shells for evidence of leakage and reject any showing such signs. |
| Class III | Point-detonating fuzes, minor caliber base detonating fuzes, powder train fuzes, and anti-tank-mine fuzes, packed separately in boxes; bomb fuzes, packed with fin assemblies. | For purposes of these regulations this class of ammunition has been consolidated with Class VIII ammunition. | | | | |

§ 146.29–100 *Military ammunition and explosives in bulk*—Continued

| Class | Description | Marking | Hazard | Stowage | Loading | Handling |
|---|---|---|---|---|---|---|
| Class IV<br>"AMMUNITION" | Fixed and semi-fixed high explosive shell (Complete rounds) light mortar ammunition, grenades, shrapnel of all calibers, fuzed or unfuzed and blank ammunition for cannon, ammunition for cannon with empty projectile, ammunition for cannon with solid projectile, ammunition for cannon with sand-loaded projectile, high explosives incendiaries, rockets AA, kit grenades antitank, grenades hand defensive; packed in outside wooden boxes, or bundles of 3 individual fiber containers, unfuzed fragmentation bombs, in wooden crates, and small-arms ammunition with explosive bullets.<br>*This class of ammunition includes, but is not limited to: 20 mm. explosive bullet, 37, 40, 57, 60, 75 and 81 mm., 3" 60 and 105 mm. and 4".5 caliber shell.*<br>No chemical or smoke ammunition is included. | "Ammunition for cannon with explosive projectile"<br>"Ammunition for cannon with empty projectile"<br>"Ammunition for cannon with solid projectile"<br>"Ammunition for cannon with sand-loaded projectile"<br>"Hand grenades"<br>"Rifle grenades"<br>"Ammunition for cannon with incendiary projectile"<br>"High explosives incendiaries"<br>"Rockets antiaircraft"<br>"Small-arms ammunition with explosive bullets" | *Articles in this class usually explode progressively only a few boxes at a time, many explosions of individual rounds being of a very low order. Pressures which would cause serious structural damage are not usually generated. Most missiles would fall within 600 feet.* | AMMUNITION STOWAGE or MAGAZINE STOWAGE "B" or MAGAZINE STOWAGE "A".<br>Boxed and crated ammunition may be overstowed with nondangerous cargo.<br>Fiber bundle pack containers, crated or uncrated, may be stowed on their bases or sides. Unboxed or uncrated fiber pack containers shall not be overstowed with other cargo. (See § 146.29–12) | Explosives anchorage<br>Explosives loading pier.<br>Ammunition loading pier. | This class of ammunition shall be handled with care. Do not drop, roll or throw the packages.<br>Boxes of fixed ammunition may be handled with chute or trucks and may be loaded by using rope and canvas sling.<br>Fiberpack containers of fixed ammunition shall be loaded by using truck, skip or tray. No weight shall be imposed upon the fiber part of the container. |
| Class V<br>"AMMUNITION" | Separate-loading shell of all calibers, loaded with explosive "D", fuzed or unfuzed; and shell loaded with explosive "D", fuzed or unfuzed not assembled to or packed with cartridge cases; and armor-piercing bombs. | For purposes of these regulations this class of ammunition has been consolidated with Class VII ammunition. | | | | |
| Class VI | Major and medium caliber base-detonating fuzes, bomb fuzes; boosters for high explosive shell; bursters for chemical shell, and for bombs; packed separately in boxes. | For purposes of these regulations this class of ammunition has been consolidated with Class VIII ammunition. | | | | |
| Class VII<br>"AMMUNITION" | Separate-loading shell of all calibers, fuzed or unfuzed, except those loaded with explosive "D"; and loaded shell, except those loaded with explosive "D", fuzed or unfuzed, not assembled to or packed with cartridge cases.<br>For the purposes of handling, stowage and transportation within the scope of these regulations, Class V types of ammunition are consolidated with Class VII. | "Explosive projectiles" | *The principal hazard in transportation will be involvement in a fire. Shells in this class usually explode progressively and very likely en masse.*<br>*Structural damage within 1,800 feet may be severe.* | AMMUNITION STOWAGE or MAGAZINE STOWAGE "B" or MAGAZINE STOWAGE "A"<br>This ammunition boxed or unboxed may be overstowed with nondangerous cargo. Care must be taken not to damage rotating bands on unboxed shells. | Explosives anchorage<br>Explosives loading pier.<br>Ammunition loading pier. | Handle with care.<br>Do not drop. Sling loads shall be landed as easily as possible.<br>Do not roll shell.<br>Protect rotating band from damage.<br>Avoid injury to or removal of paint from the bourrelet. |
| Class V | Separate-loading shell of all calibers, loaded with explosive "D", fuzed or unfuzed; and shell loaded with explosive "D", fuzed or unfuzed, not assembled to or packed with cartridge cases; and armor-piercing bombs. | "Explosive projectiles"<br>"Explosive bombs." | *The principal hazard in transportation will be involvement in a fire. These shells usually explode one at a time, and in practically all cases with low order of explosion. Most missiles will fall within 1,200 feet.* | | | |

NOTE. *In general Classes V and VII types of projectiles will be shipped in accordance with the following basic rules:*
*Point fuzed shell with false ogives will be crated.*
*Point fuzed shell without false ogives will have grommets and eyebolt lifting plugs.*
*Base fuzed shell with relatively fragile parts such as false ogives, steel caps, and windshields will be crated.*
*Base fuzed shell without false ogives will not be crated but will have grommets to protect rotating bands.*
*Dummy drill projectile will be crated.*
*Shell with point-detonating fuze assembled thereto will be boxed.*

| Class | Description | Marking | Hazard | Stowage | Loading | Handling |
|---|---|---|---|---|---|---|
| Class VIII.....<br><br>"AMMUNITION" | Primers, detonators, primer-detonators for bombs, grenade fuzes (Detonating type), and blasting caps.<br><br>For the purposes of handling, stowage and transportation within the scope of these regulations, Classes III and VI types of ammunition are consolidated with Class VIII. | "Detonating fuzes".....<br>"Percussion fuzes."<br>"Boosters (explosive)."<br>"Small-arms primers."<br>"Primers."<br>"Blasting caps."<br>"Electric blasting caps." | *The two primary hazards in the transportation of these devices are shock and involvement in a fire. A collateral hazard is the effect of the detonation of these articles upon other explosives or ammunition stowed in proximity to such articles.*<br>*All of Class VIII type of ammunition in a unit stowage may explode at one time, but as the total amount of explosives involved is limited structural damage would not tend to be great. Light missiles having a limited range would be formed.* | DETONATOR STOWAGE or PORTABLE MAGAZINE.<br><br>The location of magazines is restricted to a hold or compartment in which no other explosives (except small-arms ammunition) inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases or hazardous articles are stowed and shall not be within 8 feet of the vessel's side.<br>See § 146.29–47 for provisions re. stowage of bomb fuzes packed with fin assemblies.<br>See § 146.29–45 for detail of detonator stowage. | Explosives anchorage.....<br>Explosives loading pier.<br>Ammunition loading pier. | *Ammunition of Classes III, VI and VIII constitute a distinct class of ammunition when they are not assembled in projectiles, bombs or other ammunition. These types of ammunition are loaded with explosives that are sensitive to shock.*<br>*The handling and stowage provisions of these regulations give consideration to the probable effect accidental detonation of these devices may have upon other ammunition or explosives stowed within the vessel.*<br>Load only by hand or mechanical means.<br>Trays with sideboards shall be used when loading by mechanical means.<br>Packages shall not be stacked on a tray to a height above its sideboards.<br>The maximum weight of the load on one tray lift shall not exceed 1000 pounds.<br>Trays shall not be swung over other open hatches or holds containing ammunition, explosives in bulk or other dangerous cargo.<br>Trays shall be hoisted and lowered carefully and deposited without undue shock.<br>Do not roll, skid or chute packages.<br>Packages shall not be turned over nor onto their sides but always maintained in "This Side Up" position as indicated by the marking on the package. |
| Class VI..... | Class VI.....<br>Major and medium caliber base-detonating fuzes, bomb fuzes; boosters for high explosive shell; bursters for chemical shell, and for bombs; packed separately in boxes. | ----- | *The amount of explosives in single items of Classes III and VI usually does not exceed one-half pound. It is likely they would explode progressively box by box. Structural damage caused by the pressures generated would probably be limited to the vessel and pier. Missiles are light and usually fall within 600 feet.* | | | |
| Class III..... | Class III.....<br>Point-detonating fuzes, minor caliber base-detonating fuzes, powder-train fuzes, antitank-mine fuzes, and grenade fuzes, (ignition type) packed separately in boxes; bomb fuzes packed with fin assemblies. | ----- | | | | |
| Class IX.....<br><br>"EXPLOSIVES IN BULK" | Flashlight powder in bulk, demolition blocks, spotting charges, black powder, in bulk, rocket propellants, in bulk, bulk priming explosives; bulk initiating explosives such as mercury fulminate or lead azide, and bulk high explosives such as T. N. T., explosive "D", tetryl and dynamite.<br>NOTE. Bulk priming or initiating explosives, in dry condition, are not permitted to be transported on board vessels. | "High explosives".....<br>"Black powder."<br>"Low explosives."<br>"Initiating explosives."<br>"Fireworks." | *For the purposes of these regulations this class is divided into groups as follows:*<br>Group IX-A.....<br>*Flashlight powder in bulk. Spotting charges, black powder, and bulk priming explosives constitute a group having relatively similar hazard characteristics which principally consist of being very susceptible to ignition by spark or friction. They burn with explosive violence and will explode if ignited, under even slight confinement. They are adversely affected by high temperature.* | Group IX-A.....<br>MAGAZINE STOWAGE "A."<br><br>Shall not be stowed in the same magazine with other ammunition or explosives unless the two stowages are separated by a partition bulkhead.<br>Shall not be overstowed with any other kind of cargo. | Explosives anchorages.....<br>Explosives loading piers. | Do not subject packages to rough handling.<br>Reject packages showing evidence of failure or damage.<br>In event of sifting of the contents of the package stop operations and carefully clean up any residue.<br>Remove the faulty package from the vessel.<br>Boxes shall be stowed "This side up".<br>Drums and kegs shall be stowed on end with bung up.<br>Metal cans shall be stowed with cap up. |
| | | | Group IX-B.....<br>*Demolition blocks, rocket propellants, and high explosives such as T. N. T., explosive "D", tetryl and dynamite have relatively similar hazard characteristics. They may be considered stable in storage. Can be ignited by spark or friction and detonated by shock. When ignited will burn readily like a tar or resin. Bulk shipments in amounts likely to be found on board vessels would if ignited be very likely to detonate.* | Group IX-B.....<br>MAGAZINE STOWAGE "B"..... | Explosives anchorages.....<br>Explosives loading piers. | Do not subject packages to rough handling.<br>Reject packages showing evidence of failure or damage.<br>In event of sifting of the contents of the package stop operations and carefully clean up any residue.<br>Remove the faulty package from the vessel.<br>Boxes shall be stowed "This side up".<br>Drums and kegs shall be stowed on end with bung up. Metal cans shall be stowed with cap up. |
| | | Group IX-C.....<br>*Bulk initiating explosives such as mercury fulminate, lead azide or other fulminates constitute a distinct class of explosives. They are extremely sensitive to shock. The only permitted packing for transportation in bulk consists of a sift-proof cotton duck, rubber or rubberized cloth bag in a metal barrel or drum or wooden barrel or keg and wet with from 20% to 40% of water. Mercury fulminate and lead azide also have 5" of sawdust, saturated with water, between the bag and the outer container.* | | Group IX-C.....<br>MAGAZINE STOWAGE "A"..... | Explosives anchorages.....<br>Explosives loading piers. | Barrels or drums contain from 20% to 40% of water.<br>Check for signs of leakage.<br>Handle carefully to protect against rupture of the container.<br>Stow on end.<br>When overstowing floor off between tiers.<br>Do not roll barrels on their bilges. |

§ 142.29–100 *Military ammunition and explosives in bulk*—Continued

| Class | Description | Marking | Hazard | Stowage | Loading | Handling |
|---|---|---|---|---|---|---|
| Class X.....<br>"AMMUNITION" | Demolition bombs, fragmentation bombs in metal crates or bundles, photoflash bombs, high explosive antitank mines, naval mines, depth charges, warheads, livens shells loaded with high explosive (unfuzed) and torpedo bangalore. | "Explosive bombs".....<br>"Explosive mines."<br>"Explosive projectiles." | *Fire and shock are the primary hazards to this class of ammunition.*<br>*Demolition bombs have very thin walls. They are regarded as one of the most hazardous types of ammunition because of their tendency to detonate en masse if involved in a fire.*<br>*Fragmentation bombs packed in metal crates or bundles are susceptible to mass detonation.*<br>*Photoflash bombs, involved in a fire, will detonate en masse.*<br>*Antitank mines, naval mines, depth charges, and warheads are loaded with high explosives. Their shells are relatively thin and involved in a fire it is likely detonation will occur.*<br>*Detonation of any appreciable number of this type of ammunition will result in severe structural damage. The extent of the vulnerable area will depend upon the amount of high explosives involved.* | MAGAZINE STOWAGE "B" or MAGAZINE STOWAGE "A".<br>Shall not be overstowed with vehicles or other cargo of high unit weight.<br>Except for wooden barrels or boxes, and fiberboard containers, no inflammable or combustible material as cargo or containers of same shall be stowed in a hold in which this class of ammunition is stowed. | Explosives anchorages.....<br>Explosives loading piers. | Handle carefully. Do not drop, roll, drag, or slide these articles. Do not use chute in loading or unloading.<br>Bombs shall be loaded by the use of trays or wire-rope slings. Nets shall not be used. Slings must be approved for such use by the captain of the port. Slings may be of a dual type for bombs not exceeding 2000 pounds each.<br>Photoflash bombs shall be loaded by the use of trays.<br>Antitank mines shall be loaded by the use of trays. Naval mines, uncrated and fitted with lifting ring shall be loaded by using wire rope and shackle.<br>Mines in steel crates will be loaded by tray.<br>Warheads shall be loaded by tray.<br>Depth charges may be loaded by tray or rope and canvas net. A net load shall not exceed three depth charges.<br>Livens shells and torpedo bangalore shall be loaded by the use of trays. |
| Class XI.....<br>"CHEMICAL AMMUNITION" | "Chemical ammunition (Explosive)" is used to designate a variety of forms of artillery shell, chemical mortar shell, livens projector shell, airplane bombs, grenades, and candles, containing chemicals and an explosive or a bursting charge.<br>"Chemical ammunition filled with phosphorus" is not included herein. For regulations governing such ammunition see Class II.<br>"Chemical ammunition (non-explosive)" when shipped without ignition elements, bursting charges, detonating fuzes, or explosive components; and drums, cylinders, tanks or other containers of poison gas, liquids, solids or tear gas in bulk shall be accepted and stowed on board vessels in accordance with the provisions of the regulations in § 146.25. | "Explosive projectile" or "Explosive bomb" or "Hand grenade" or "Rifle grenade."<br>This ammunition filled with a poison gas or liquid Class "A", either boxed or not boxed must bear the white "Poison Gas" label. | *This type of ammunition or bulk shipments of these substances in containers other than ammunition represents a particular and special hazard. Prior to the war, these articles were permitted to be stowed in the "Shelter Deck". Because of the danger of damage in the case of air attack, it is now provided that these substances be stowed in a reasonably tight compartment below decks.*<br>*Due to the restrictive control over the preparation of these weapons little likelihood of extreme danger exists unless the containers or ammunition are damaged in handling or stowage on board the vessel.* | CHEMICAL AMMUNITION STOWAGE.<br>Bulk shipment of chemical agents, in ICC-cylinders or tanks may be stowed in a shelter deck space or in a deck house suitable for such stowage. | Explosives anchorages.....<br>Explosives loading pier or at a temporary location authorized by the captain of the port for a specific loading. | When possible and the amount of such ammunition or containers of these chemical substances warrant, the loading and stowage of chemical ammunition or chemical agents for such should be supervised by a representative of the Chemical Warfare Service.<br>Ammunition and containers of these substances shall be handled carefully.<br>They shall not be dropped or unnecessarily jarred. The methods used for hoisting chemical ammunition during loading shall be similar to those used in handling high explosive shells. Stowage and bracing are very important. Packages shall be braced so as to prevent any movement. Top tiers shall be braced to prevent upward movement. In general, boxes shall be stowed on the most stable side and arranged in such a manner that the joints between boxes are staggered. No packages shall be cantstowed. Dunnage shall be applied to the sides, ends and the top of the boxes before bracing is applied. |

NOTE. *The U. S. Army, Chemical Warfare Service, when shipping chemical ammunition, marks such ammunition and the containers thereof, in general as follows:*

*(a) By the use of color bands painted upon the ammunition and the containers thereof; by letter symbol to indicate the particular kind of chemical therein and by the words "Gas", "Smoke", "Incendiary" or "Incend.", stenciled upon the ammunition or the containers thereof.*

*(b) Persistent gases are marked with two (2) green bands. Nonpersistent gases with one (1) green band. Harassing gases or smoke with one (1) red band. Screening smoke and toxic smoke with one (1) yellow band. Incendiaries with one (1) purple band.*

*(c) The words "Gas", "Smoke", "Incendiary" or "Incend." will be stenciled upon shells and upon the outside containers of shells, grenades, bombs, candles, etc., the stenciling to be of the same color as the designating band.*

*(d) The bodies of all munitions containing gas or smoke will be painted gray. Incendiaries will be painted olive drab.*

R. R. WAESCHE,
*Commandant.*

[F. R. Doc. 42-9780; Filed, October 1, 1942; 3:08 p. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 21]

DETERMINATION OF EXTENT OF CHANGE OF COSTS OF MINIMUM PRICE AREAS

ORDER AND OPINION ON QUESTIONS OF LAW AND POLICY

Order and opinion of the Secretary of the Interior on review of questions of law and policy involved in the Acting Director's order of August 28, 1942.

In the matter of determining the extent of change, if any, in excess of two cents per net ton in the weighted average of the total costs of any of the minimum price areas; and of revising the effective minimum prices as may be required by reason of any such change in costs.

This is the final administrative stage of a proceeding for the general revision of minimum prices of bituminous coal which was begun by the Bituminous Coal Division on its own motion on May 2, 1941.

On August 26, 1942, the Acting Secretary of the Interior approved the Order for Procedure of the Acting Director of the Bituminous Coal Division of this Department. The order advised the parties to this proceeding who were dissatisfied with the order of August 26 of the Acting Director fixing new minimum prices for bituminous coal, that they might file with me requests for review of questions of law and policy of general importance in the administratic of the Bituminous Coal Act.[1] This order was issued in the exercise of my directive and supervisory authority over the Division. With these requests, it was also announced, might be filed briefs in support of the positions taken in the requests.

Pursuant to this order, requests for review, frequently accompanied by briefs, were filed by District Boards Nos. 3, 5, 7 and 8, the West Virginia Coal and Coke Corporation, Associated Industries of New York, Inc., and the Bituminous Coal Consumers' Counsel.

After full consideration of the importance of the questions of law and policy raised in these requests, I have decided to review the following questions:

I. Whether the Division had statutory authority to include in the revised minimum prices set in this proceeding an amount sufficient to insure a return per net ton for the Minimum Price Areas which approximates the weighted average of the total cost per net ton of the Price Areas.

II. Whether, in revising minimum prices, the Acting Director properly adopted the so-called weighted average adjustment method and properly rejected the so-called automatic adjustment method.

III. Whether the prices of coal produced in Minimum Price Area 2 were properly ordered changed in this proceeding.

Review of all other questions raised is hereby denied.[2] This denial does not mean that the order of the Acting Director with respect to these questions is affirmed by me. It means merely that I have been unable to see that the questions are appropriately raised at this time or of sufficient doubt or general importance to warrant review by me.

I

The question whether the Division had statutory authority to include in the revised minimum prices set in this proceeding an amount sufficient to insure a return per net ton for the Minimum Price Areas which approximates the weighted average of the total cost per net ton of the Price Areas.

The order of the Acting Director of August 28 has set revised minimum prices at a level intended to yield a return per net ton upon the entire tonnage of the several Minimum Price Areas sufficient to approximate the weighted average of the total cost per net ton of the tonnage of the Minimum Price Areas, as such cost was found in the first phase of Docket 21. To reach this result the Acting Director had to deal with a problem of under-realization growing out of the present minimum prices.

The evidence presented in the second phase of this docket showed that during the first year of operation under the minimum prices established October 1, 1940, in General Docket No. 15 the producers had not received, at these prices, a return per net ton for the several Price Areas which covered the weighted average of the total cost per net ton of these Price Areas. The Acting Director concluded that this deficiency in realization can and should be avoided in the future. He found that the deficiency was due to the fact that the 1937 pattern of distribution under unregulated prices had been used as a basis for computing equivalence between costs and returns in Docket 15 and that this pattern had changed extensively since the establishment of effective minimum prices. We also found that, if the prices were properly set in this proceeding, a deficiency of realization could be avoided because the pattern of distribution following the revision of prices would not substantially differ from the pattern of distribution during the first year under minimum prices. To set the prices properly therefore, in an amount sufficient to return costs to the Price Areas, he added to the existing prices not only the amount of the changes in cost which had occurred betwen the computations in Docket 15 and Docket 21 but also the amount of the differential between realization and cost during the first year under minimum prices.

Throughout the second phase of this docket, Associated Industries[3] has objected to the inclusion of this realization differential on the following two grounds: (1) Adequate notice was not given that the proceeding in this second phase would take up the problem of assuring producers a return of their total costs, and (2) statutory authority was lacking to accomplish this inclusion, since the Division could not revise prices to the end of returning total costs to the producers unless the Division were acting under the authority of section 4 II (b), and since the Division could not operate under section 4 II (b) without coordinating proposed prices in conformity with all the standards of sections 4 II (a) and (b).

1. The first objection of Associated Industries was based upon the limitation of the proceedings in their earlier stages to the problems of changes in costs. The first phase of the proceedings was confined to proving the extent of changes in cost in the various Price Areas. Section 4 II (a) provides that, after the initial cost determination for the minimum price areas:

> * * * upon satisfactory proof made at any time by any district board of a change in excess of two cents per net ton of two thousands pounds in the weighted average of the total costs in the minimum-price area, exclusive of seasonal changes, the Commission [Division] shall increase or decrease the minimum prices accordingly.

The Notice of and Order for Resumption of Hearing issued on April 17, set the hearing for May 5. It "strictly limited" the purpose of the hearing to determining the adjustments necessary in order to reflect the changes in costs found in phase (a) and proposed that the Division would increase or decrease the minimum prices by the amount of the changes in costs unless objection was made thereto. The notice limited the adducing of evidence relating to any other revision of prices to the parties objecting to the proposed increase or decrease in prices by the amount of the changes in costs. Other provisions of the notice and the order showed that the Division was not blind to the possible existence of other factors to be consid-

[1] Act of April 26, 1937, 50 Stat. 72, as amended April 11, 1941, 55 Stat. 134; 15 U.S.C. secs. 828 et seq.

[2] District Board No. 7 has raised the question whether the Acting Director's refusal to distinguish "in the levels of minimum prices" between coal sold on the open market and coal not so sold was proper. Its only proposal is that the distinction be such that selling expenses are allocated entirely to commercial tonnage. Its argument in favor of this distinction adds nothing to what was said in favor of a similar distinction in reckoning the cost of coal in the first phase of this proceeding. So put and so argued the problem is too narrow to warrant review.

[3] Associated Industries is an organization of industries consuming annually an estimated 15,000,000 tons of coal, produced largely in Minimum Price Area 1. Since these consumers are located in New York and are thus in the group of market areas 1 to 21, Associated Industries computes the amount of deficiency in realization as about 8 cents per ton in the additional 20 cents per ton added by the Director to the prices to be charged in market areas 1 to 21 for coal from Price Area 1.

ered, but did not specifically enlarge the scope of the proceeding.[4]

How far this notice would have permitted consideration of questions unrelated or in addition to the proposal for a straight increase or decrease in prices to reflect changes in costs need not be decided because prior to the start of the hearing the question of revising prices to allow realization of costs was fully incorporated in the hearing by the notice of the Acting Director of May 4. This Notice and Order concerning Consolidation and Hearing consolidated with Docket 21 the petitions of 10 District Boards presented under section 4 II (d).[5] These petitions sought the establishment of temporary and permanent prices which would permit realization of costs. They were presented as a result of studies and reports of realization deficiencies made by District Boards and by the Division early in 1942 and as a result of the disclosure in the first phase of this docket that the addition of increases in costs might not result in sufficient realization. Most of the petitions contained requests that they be consolidated with Docket 21. The director announced in this consolidation notice that the petitions "raised similar and related issues" and should be consolidated with Docket 21 "for all purposes."

There is no doubt that a petition under section 4 II (d) is a proper method to bring before the Division for correction a discrepancy between returns from minimum prices to a Price Area and the Price Area's weighted average costs. There is also no question of the rightness of the judgment of the Acting Director or of the legal propriety of his action in consolidating the petition proceedings with the basic docket. The original notice of the hearing had expressly reserved to the Division the right to order such further proceedings and institute such further action as deemed appropriate. Moreover, the Acting Director acted in conformity with his authority in the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division to consolidate petitions whenever in his judgment the issues are so related that consolidation will facilitate expeditious and just consideration (30 CFR § 301.104).

While the notice and order for consolidation was issued the day prior to the opening of the hearing in the second phase of Docket 21, such consolidation had been requested by a 4 II (d) petitioner, District Board No. 14, as early as March 18. It was requested specifically with respect to Minimum Price Area 1, the price area of concern to Associated Industries, by the petitions on April 22 and April 24 of District Boards Nos. 9 and 1–6 and 8. Moreover, in their objections lodged under the original notice for the resumption of the hearing in Docket 21 most of the District Boards of the country gave notice of their desire to assure the inclusion of the realization problem in the hearing.

I conclude that there was sufficient notice and opportunity to be heard on the issue of realization and that this issue was injected fully into the hearing, not only with respect to Minimum Price Area 1, but as an issue of general application. The issue had been presented to the Division by half the District Boards, representing far more than half the tonnage of the country, in 4 II (d) petitions and by almost all the District Boards in their formal objections to the resumption notice. The issue grew out of findings as to cost in the first phase of the docket and was by its nature coterminous in scope, for it would not be reasonable in a general adjustment of prices over the country for some prices to be raised only by the amount of an increase in costs and others by the amount of an increase in cost plus a deficiency in realization, in circumstances where a deficiency in realization existed throughout the country.

2. Associated Industries challenges the statutory authority of the Division, in a proceeding such as that held in this second phase of Docket 21, to revise prices "to the end that the return per net ton upon the entire tonnage of the Minimum Price Area shall approximate the weighted average of the total costs per net ton of the tonnage of such Minimum Price Area." This objective is found in section 4 II (b) of the statute and can be reached under section 4 II (b), it is claimed, only by a proceeding which examines prices in the light of all of the standards recited in sections 4 II (a) and (b). This argument is based upon the last sentence of section 4 II (b) which reads as follows:

> The Commission (Division) shall thereupon establish, and from time to time, upon complaint or upon its own motion, review and revise the effective minimum prices and rules and regulations in accordance with the standards set forth in subsections (a) and (b) of part II of this section.

I do not find that the statute restricts the avenue to the objective reached by the Division to the single path indicated by Associated Industries. The Division could reach this objective by adding the increases in costs to the minimum prices under a 4 II (a) proceeding and then entertaining a host of 4 II (d) proceedings to effect adjustments to provide sufficient realization. It is possible, in fact, to say that a consolidation of sections 4 II (a) and (d) proceedings actually occurred in this docket, in view of the chronology of the procedure just rehearsed. Under the authority of section 4 II (d) the Division would have the power to issue "such order as may be required to effectuate the purpose of paragraphs (b) and (c) of part II of this section." This authority is broad enough to support an order allowing full realization to the parties in this proceeding, since only an order of general application would be a satisfactory outcome of this proceeding, and since realization of costs is the ultimate purpose of paragraph (b). Although these 4 II (d) petitions were dismissed at the close of this proceeding after they had served their purpose, such dismissal in no way affected the rights of the parties.

The opinion of the Acting Director, however, shows that he intended to reach the objective he did under his authority to revise prices in section 4 II (b). While I am not concerned with the reasoning of the Director in view of my concurrence in the result, I think it best to consider the correctness of his action under the authority which he claims for it.

Section 4 II (b) contemplates the consideration of many standards in the process of price fixing. Certainly, in an original price fixing proceeding it is necessary to consider all standards at the same time and to accomplish an integrated price pattern. Such a price pattern was accomplished in General Docket No. 15 after extended analysis and application of all the standards of the act. This coordination having been established, it would defeat orderly and expeditious administration if every price change under section 4 II (b) required a general inquiry into the application of all the standards of subdivisions (a) and (b).

Because section 4 II (b) authorizes the Division to revise prices in accordance with all the standards, this does not mean that the Division may not revise prices to accord with such part of these standards as are alleged and proved to be unfulfilled. The Division has already fixed the administrative construction of its statutory authority and has repeatedly taken action under section 4 II (b) to revise prices to conform with particular standards upon complaint made to it as to the failure of fulfillment of these standards, without embarking on a full inquiry as to conformity of the prices

---

[4] The notice called to the attention of the parties the duty of the Division to revise prices under section 4 II (b), in accordance with the standards both of 4 II (a) and 4 II (b). The Order was made without prejudice to the right of any party to petition for action, under section 4 II (d) or any other provision of the Act, "by reason of dissatisfaction with minimum prices as established by the Division."

[5] Eleven District Boards petitioned under section 4 II (d) to obtain realization of total costs. Those which were consolidated with General Docket No. 21 by the notice of May 4, were the following: Petition of District Boards 1–6 and 8 for a temporary and permanent price order for a 20-cent increase on all coals produced in Minimum Price Areas 1, 2 and 3 in order to enable coals in Price Area 1 to recover their total weighted average costs, filed April 22, 1942, Docket A–1423; petition of District Board 9 for a temporary and permanent price order to the same effect, filed April 22, 1942, Docket A–1424; petition of District Board 14 for a price order for Price Area 4 such as to return the total costs of the area, filed March 18, 1942, Docket A–1360; petition of District Board 16 for a 15-cent increase in prices for district 16 to cover deficiency in realization, filed February 2, and supplemented February 28, 1942, Docket A–1299. The petition of District Board 11 for a price order for a 20-cent increase for Price Areas 1 and 2, filed April 21, 1942, Docket A–1422, was denied in the May 4 order as the issue raised by it of increased costs of production was decided in the first phase of General Docket No. 21.

The disposition of the various consolidated petitions is reported on pages 10–13 of the Acting Director's opinion. The petitions of District Boards 1–6, 8, 14 and 16 remained part of Docket 21 until the Director's final order was issued.

with all the other standards set forth in subsections (a) and (b).[6]

Similarly here, the objections lodged by 18 District Boards under the notice for the resumption of the hearing in this phase and the petitions of the District Boards consolidated into the docket apprised the Division and all the parties to this docket of the need for readjustment of prices to satisfy the standard of realization of costs, which is the basic standard of subsections (a) and (b). Acting upon that need the Division evidently proceeded on its own motion to make adjustments upon the proof that this basic standard of realization was unfulfilled by existing prices.

This does not mean that the standards which were not called into question and which were not applied in this proceeding are to be ignored. If the prices resulting from Docket 21 are not in conformity with the standards of subsections (a) and (b), section 4 II (d) affords full opportunity for producing interests and for Consumers' Counsel to raise objection. The Director also has power under section 4 II (b) upon complaint or upon his own motion to institute either particular or general inquiries into the compliance of the distribution pattern with all standards. By proceeding in the limited fashion which I have found to be necessary to permit effective administration of the act, the Director assumes added responsibility to police the distribution pattern, to keep advised of its adequacy, and to give careful consideration to complaints filed by consuming interests who have no power to institute section 4 II (d) proceedings.

I therefore deny the petition of Associated Industries that the increment to cover the deficiency in realization be subtracted from the revised minimum prices and answer the first question in the affirmative.

II

The question whether, in revising minimum prices, the Acting Director properly adopted the so-called weighted average adjustment method and properly rejected the so-called automatic adjustment method

In an effort to expedite the proceeding the Division in effect ordered the parties to show cause why the existing minimum prices for each area should not be increased by the difference between the costs found in General Docket No. 15 and those found here. One of the two broad objections, the claim for a return equal to costs, raised by the District Boards to this plan, has already been dealt with. The second objection was that the plan would upset the scheme of coordinated prices provided in Docket 15. That objection is considered here.

It may be taken for granted that an automatic application of the increased realization necessary to return costs would destroy the coordination pattern of Docket 15. A uniform 20-cent increase, for instance, in Price Area 1 coal and no increase in Price Area 2 coal would undoubtedly put Price Area 1 coal at a serious disadvantage at all points at which the two areas compete and would encourage the buying of Area 2 coal in preference to Area 1 coal.

To obviate this difficulty the Division adopted a method of adjusting the prices of coal in each of a number of groups of related marketing areas according to the proportions of coal coming to it from each of the Price Areas serving it. For example, coal shipped into market areas 1 to 21 which are served almost entirely by Price Area 1 was given the full 20-cent increase to which Price Area 1 coal is entitled. Coal shipped into market areas 22 to 31, which are served by Price Area 1 and Price Area 2 in a ratio of approximately 3 to 2, were given about ⅗ of the 20-cent increase to which Price Area 1 coals are entitled. And coals shipped into market areas 32 to 41 in which Price Area 2 coals predominate over all others by about 3 to 1 received an increase of only about ¼ of that to which Price Area 1 would be entitled. Conversely, even though Price Area 2 coal would be entitled to no increases if the coordination problem were ignored, it obtained in the markets served by Price Area 1 the same price increase. In the course of the proceeding, this method of adjusting existing minimum prices became known familiarly as the "weighted average adjustment" method.

An alternative to this method was suggested by Consumers' Counsel in the shape of what it calls the "automatic adjustment" method. This proposal is substantially that which, in his order for resumption of the hearing, the Director proposed using in the absence of protest. It calls for a uniform increase of all existing prices in each Price Area by the amount needed to compensate for changes in cost.

1. Consumer's Counsel first attacks the use of the weighted average adjustment method on the ground that the automatic adjustment method "is legally required by the Act." The basis of the contention is the provision of section 4 II (a) that "upon satisfactory proof made at any time by any district board of a change in excess of 2 cents per net ton * * * *in the weighted average of the* total costs in the minimum price area * * * the Commission (Division) shall increase or decrease the minimum prices accordingly." It seems to me that the contention of Consumers' Counsel that this necessarily imports use of the automatic adjustment method rests upon an unnecessarily narrow reading of the word "accordingly." Though, of course, it would be permissible to do so, I do not understand this statutory language to mean that every individual price must be adjusted by the exact amount needed to realize the cost change. It can be read, and I read it thus, to mean that the whole body of prices for a Minimum Price Area shall be adjusted, in the most expedient fashion, to reflect the changes in cost. The adjustment might be made, as some of the District Boards proposed in this proceeding, by putting the additional cost on particular sizes of coal. It might be made, as it was made in this proceeding, by varying the amount of increase from marketing area to marketing area.

Consumers' Counsel also objects that the weighted average adjustment method is directed at the goal of preserving the coordination of prices but yet ignores the procedures and standards of section 4 II (b) under which coordination should be undertaken. But this method has the merit of not disturbing the distribution pattern in the absence of a full inquiry into the effects of price changes. It has the merit, too, of allowing the Director to estimate the realization to be expected from the new schedule of prices.

Accordingly, I find no error in the Acting Director's decision that he had power under the act to adopt the weighted average adjustment method.

2. Consumers' Counsel argues also that the weighted average adjustment method represents a poor choice of policy, and that the use of the automatic adjustment method is more consonant with a wise administration of the act. It is urged, for instance, that if the weighted average adjustment method is adopted, every change in a single area's costs will have to be the occasion for a general reconciliation of that area's prices with those of other areas and that the size of such an undertaking will prevent the Division from keeping up with its work. It is urged, moreover, that adoption and application of the weighted average adjustment method will serve to foster monopoly and to discourage efficient production innovations, in that it will prevent small-increase producing areas from cutting in on the large-increase areas' selling territory, and will require that high-increase areas be allowed to make up elsewhere what they lose in highly competitive territory. It is urged, finally, that if application of the automatic adjustment method works hardship resort can be had to 4 II (d) proceedings to rectify the difficulty.

Much of this line of argument, persuasive as it is, rests upon the tacit assumption that the weighted average adjustment method is considerably more than a procedure adapted to the needs of the present proceeding. I do not so understand it. Approval of its use in the present instance where cost changes in practically every area must be taken into account is not equivalent to approval of its use in a proceeding in which only one area shows a cost change. Approval of its use in this proceeding is not, as the Director's opinion itself indicates, an approval of its use as a permanent petrification of the marketing arrangements reflected in General Docket No. 15.

The Acting Director has had a difficult task to perform. As far as I can see, he has performed it wisely and with due regard to orderly procedure. There was no need for him to make it more complicated than it already was by undertaking a general inquiry under section 4 II (b) which might have grown into the proportions reached by Docket 15. To have done so might well have slowed down all revision of minimum prices by months. The Acting Director has, in his opinion, issued an invitation to the parties to this proceeding to undertake 4

[6] Dockets: A-371, November 16, 1940; A-330, December 30, 1940; A-907, June 14, 1941; A-1218, December 17, 1941; A-1239, December 27, 1941.

II (d) proceedings wherever necessary. The invitation will, I hope, be accepted shortly. If it is not, the Division may wish itself to initiate general or particularized proceedings under section 4 II (b). At that time, there will be occasion to consider and after full exploration to resolve the grave questions of policy that Consumers' Counsel has raised and that would make it difficult to approve the use of the weighted average adjustment method if it were to stand as a permanent obstacle to modification of the bituminous coal distribution system.

At the section 4 II (b) or 4 II (d) hearings, it will be open to the Division and the parties upon a full record to reconsider the whole coordination problem or appropriate segments of it. It will be possible then to lay appropriate stress on the importance to the consumer and to the national economy of the statutory command that the coordinated prices be "just and equitable, and not unduly prejudicial or preferential, as between and among districts." At that time it can be determined whether preservation of "existing fair competitive opportunities" can properly be given the great weight that, *ex necessitate*, it was given in this proceeding. The Division can then consider whether inter-area cost comparison should not be a major test of the fairness of that competition which is to be preserved as well as an evident means of reconciling this criterion with the "just and equitable" requirement of the statute.

The prospect of such a hearing or hearings, in other words, assures me that the Director will be in a position to make those appropriate readjustments of the General Docket No. 15 coordination which will take account, among other pertinent factors, of the important changes in the coal industry and the economy generally that have been suggested in the present proceeding. I therefore approve in this respect the Acting Director's order.

III

The Question Whether Minimum Prices for Coal Produced in Price Area 2 Were Properly Ordered Changed in This Proceeding

It follows from the discussion of Questions I and II that the contention that the Division could not properly order a revision of Price Area 2 prices is without merit. While it is true that this area showed less than the 2-cent change in cost which is the predicate of action under section 4 II (a) of the act, its change in cost and its deficiency in realization could both be taken into account in this proceeding which necessitated, as I have said, a reconciliation of prices in all Price Areas with each other. Price Area 2 was in fact one of the Price Areas for which relief was asked by several District Boards in their petitions under section 4 II (d), particularly in Docket A-1423 consolidated in Docket 21. The order of the Acting Director is therefore affirmed in this respect.

IV

Upon this review of the determinations of the Acting Director embraced in the foregoing questions of law and policy I find that the determinations should be affirmed. It is therefore unnecessary for me to consider such applications for a stay of the effective date of the Acting Director's order as were presented to me.

Accordingly, it is so ordered.

Dated: September 30, 1942.

[SEAL] HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc, 42-9807; Filed, October 1, 1942; 4:19 p. m.]

---

FARMERS UNION STATE EXCHANGE

ORDER SUPPLEMENTING ORDER DATED NOVEMBER 15, 1940, AS AMENDED

In the matter of the application of the Farmers Union State Exchange, Omaha, Nebraska, for registration as a bona fide and legitimate farmers' cooperative organization.

The above-named registered farmers' cooperative organization, Registration No. 2879, having submitted a certified list of bona fide and legitimate farmers' cooperative organizations which have become members of registrant since the issuance of previous orders herein,

*It is ordered*, That Exhibit "A" of the order in the above-entitled matter dated November 15, 1940, as amended July 15, 1941, March 14, 1942 and July 15, 1942, be and the same is hereby further amended by adding thereto the following:

ADDITIONS

| *Name* | *Address* |
|---|---|
| Elsie Equity Co-operative Exchange | Elsie, Nebraska. |
| Farmers Union Co-operative Association | Blue Hill, Nebraska. |
| Farmers Co-operative Elevator Association | Lindsay, Nebraska. |

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
*Director.*

[F.R. Doc. 42-9813; Filed, October 2, 1942; 10:13 a. m.]

---

[Docket No. B-222]

FRED NOETH

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, ETC.

Order approving and adopting the proposed findings of fact, proposed conclusions of law, and the recommendation of the examiner, and order suspending registration of distributor.

This proceeding having been instituted by the Bituminous Coal Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and section 304.14 of the Rules and Regulations for the Registration of Distributors to determine whether Fred Noeth, a registered distributor (Registration No. 6880), 2808 East 25th Street, Granite City, Illinois, has violated the Act, the Rules and Regulations for the Registration of the Distributors, the Marketing Rules and Regulations incidental to the Sale and Distribution of Coal, and the Agreement by Registered Distributor;

A hearing having been held before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in St. Louis, Missouri, on May 22, 1942;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and the Recommendations in the matter dated August 24, 1942, in which it was found that, respondent, continuously and regularly, during the period October 1, 1940, to February 28, 1942, resold coal in less than carload lots to Christ Noeth and that in said purchases and sales, he was under the control of his father, the said Christ Noeth, financially and otherwise (a matter not disclosed in his application for registration) and was, therefore, not in any way qualified to accept or obtain a distributor's discount on said transactions and in accepting and retaining such discounts he violated paragraph (h) of the Distributor's Agreement and §§ 304.19 (c) and 304.11 (c) (s) of the Distributor's Rules, and section 4 II (i) (12) of the Act and Section XIII of the Marketing Rules and Regulations; and

The Examiner having recommended therein that an order cancelling and revoking the registration of Fred Noeth, as a registered distributor, Registration No. 6880, and providing that no petition seeking reinstatement as a distributor shall be entertained within a period of six months from the date thereof;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no exceptions and supporting briefs having been filed;

The undersigned having determined after consideration of the record that the proposed findings of fact and proposed conclusions of law of the examiner be approved and adopted as the findings of fact and the conclusions of law of the undersigned;

*Now, therefore, it is ordered*, That the proposed findings of fact and proposed conclusions of law of the examiner be, and the same are hereby approved and adopted as the findings of fact and conclusions of law of the undersigned;

*It is further ordered*, That the registration of Fred Noeth, a registered distributor, Registration No. 6880, be and it hereby is, suspended for a period of six months from the date of this order.

*It is further ordered*, That respondent shall not evade the effect of such suspension, directly or indirectly, by the use of any device such as a sales agency agreement or any other device, and that such suspension shall not excuse the respondent from all duties and functions imposed upon him by the Act, or the rules and regulations thereunder;

*It is further ordered*, That if respondent shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five days prior to the expiration of such suspension period, such suspension shall continue in full force and effect until five days after the affidavit required by section 304.15 shall have been filed with the Division.

*It is further ordered*, That respondent shall return to the producers all im-

properly collected discounts collected by him on coal resold by him to or through Christ Noeth, amounting to $1,174.53, and shall state in the aforesaid affidavit that such refunds have been made.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 42-9814; Filed, October 2, 1942; 10:13 a. m.]

---

[Docket No. 1727-FD]

HANEY COAL COMPANY

FINDINGS OF FACT AND MEMORANDUM OPINION CONCERNING EXCEPTIONS TO THE EXAMINER'S REPORT

This proceeding was instituted upon a complaint dated May 10, 1941, and filed with the Division on May 22, 1941 by District Board No. 12, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937. The complaint alleged that W. J. Haney (Haney Coal Company), the code member, wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, by selling, for shipment by truck, to George Pope, Hamilton, Iowa, from January 1, 1941 to May 10, 1941, a substantial number of tons of screenings and mine run coals produced at the code member's mine, Mine Index No. 592, in District No. 12, at the price of $1.00 per net ton f. o. b. the mine, whereas the effective minimum price for such screenings is $1.60 per ton f. o. b. the mine, and for such mine run coal is $2.70 per ton f. o. b. the mine, and prayed that the Division either cancel and revoke Haney's code membership or, in its discretion, direct the code member to cease and desist from such violations.

Pursuant to appropriate orders and after due notice to interested persons, a hearing in this matter was held on September 18, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board No. 12 appeared. The defendant did not appear.

The Examiner, on April 15, 1942, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and upon the basis thereof, recommended that the complaint herein should be dismissed, without prejudice to the right to institute appropriate proceedings for the violation actually committed.

Thereafter, opportunity was afforded to all parties to file exceptions thereto and supporting briefs. On April 23, 1942, the complainant, Bituminous Coal Producers Board for District No. 12 filed Exceptions to the Examiner's Report.

1. *The Issue Involved.* The facts forming the background of the proceeding show that W. J. Haney, owner and operator of the Haney Coal Company, is a code member in District No. 12. He filed a code membership acceptance on May 27, 1940. He operates a mine, Mine Index No. 592, in District No. 12. Haney, during the period from January 3, 1941 to May 10, 1941, both dates inclusive, sold to George Pope 759.85 tons of screenings[1] coal produced at his above-mentioned mine.

In a signed statement, Haney admitted that he sold to George Pope, Hamilton, Iowa, 266 loads of screenings averaging 9500 pounds per load since October 1940, at $1.60 per ton f.o.b. mine less 60 cents per ton for hauling and handling, "netting" $1.00 per ton f.o.b. mine, and that he "sold the coal on this basis, thinking it was not a violation of the Code. This understanding was gathered from statement made at the meeting held in Knoxville, Iowa, last winter when it was decided the loading dock was considered your tipple and shipping point."

At the hearing the purchaser identified an exhibit[2] containing a tabulation of the sales of the above-mentioned 759.85 tons of coal. A heading entitled "Truck Load Weight" in the exhibit, tended to show that Haney sold the coal for shipment by truck. Pope testified, however, that he had the coal "hauled from the mine to the railroad," and that the coal was by him "in turn" thereupon "shipped by * * * rail" to the Iowa Power and Light Company. The coals of the Haney Mine were priced only for truck shipment. The effective minimum price for screenings coal produced at Haney's Mine, according to the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, was $1.60 per net ton f. o. b. the mine.

2. *The Examiner's Report.* The Examiner concluded that the record under these circumstances, warranted a finding that the defendant sold the coal at $1.00 per net ton f. o. b. the mine; that the transaction was a sale by the code member for shipment by rail; that Haney sold the coal to Pope, who trucked it in facilities furnished by him to a railroad ramp at Hamilton, where it was loaded into railroad cars and shipped by rail to Pope's customer, the Iowa Power and Light Company, and the conclusion that this coal was sold in a rail transaction was not in any way dependent upon whether Haney did or did not know that the coal was to move to its destination by rail. The Examiner's Report also added that under "recent rulings of the Acting Director the physical movement of the coal rather than the intention of the parties controls." The Examiner therefore reached the conclusion that the violation committed was the sale of unpriced coal,[3] as no rail prices had been established for the coals of this mine. Since, however, this was not the violation charged in the complaint, the Examiner recommended that the complaint be dismissed.

3. *Exceptions to the Examiner's Report.* The principal arguments contained in the complainant's exceptions, may be thus summarized: the transaction was a sale at the mine and the producer had no control or title to it after the coal left his mine; the record shows that the coal moved from producer's mine by truck was sold with the understanding that title would pass at the mine and that it would move from the mine by truck; the coal was not sold for rail shipment nor at the effective minimum price for rail shipment by the producer either from the mine or from any other point, and the transaction does not have any of the characteristics of rail shipments; Haney's written statement "admitted" that he sold the coal to Pope "at the mine" at a net price of $1.00 per ton, and the proposed findings of the Examiner state that the sales price was $1.00 per ton f. o. b. the mine; there are no exceptions in the truck schedule preventing the prices therein from applying to coal sold at the mine and removed therefrom by truck, even if such coal is eventually to be moved by the purchaser via rail and to establish the precedent proposed by the Examiner would produce a chaotic condition within the District, and would involve an attempt of the Division entirely beyond the provisions of the Act to control the coal after its outright sale and movement. The complainant's exceptions also requested that the Examiner's recommendation be disregarded and that instead, the code member be found guilty of violating the minimum truck prices effective as to the tonnage involved in these proceedings.

4. *Discussion and Conclusions.* The record, unfortunately, is rather scanty. Some of the conclusions must therefore be reached inferentially. The evidence regarding the material facts is found in (1) the testimony of the purchaser, George Pope; (2) the above-mentioned written statement of the producer, dated May 12, 1941; and (3) in the tabulation of the sales compiled from his records. The evidence relating to the view that the transaction was a sale of coal at the mine is represented by the assertion contained in code member's written statement that the coal "was sold to George Pope, Hamilton, Iowa, at $1.60 per ton f. o. b. mine," and also in Pope's testimony that the code member "received $1.00 a ton for the coal at the mine." However, Pope likewise testified that he paid the producer $1.60 "on track" thereby establishing that the transaction called for loading on railroad cars, rather than delivery at the mine. Moreover, the code member's signed statement that he sold the coal at $1.60 per ton f. o. b. the mine less an allowance of 60 cents per ton for hauling and handling, "netting" $1.00 per ton f. o. b. the mine to the code member, modifies code member's reference to "$1.00 * * * at the mine." In view of Pope's testimony that the $1.60 price was "on track." Code member's

---

[1] There was no proof of the sale of any mine run coal.

[2] By Order of the Acting Director dated February 9, 1942, duly served upon the defendant on February 12, 1942, it was provided that a copy of this exhibit should be accepted for filing herein as Exhibit No. 1 in this proceeding, unless the defendant showed cause to the contrary within 7 days after the date of service upon him of a copy of such exhibit. The defendant has made no objection to such acceptance of the exhibit.

[3] The order in General Docket No. 19, dated October 9, 1940, prohibits the sale by a code member of coal produced by him for which minimum prices have not been established.

reference to the $1.00 price was merely language used by him to denote what he netted at the mine, but does not establish the passing of title at the mine in the sense of code member's nonresponsibility for the rail phase of the shipment. The code member made an allowance for transportation and hauling to the cars. This created an inference (which was uncontroverted) that code member had knowledge of, and therefore was a party to the ultimate rail shipment. Therefore, the Examiner's finding that the sales price was $1.00 per ton "f. o. b. the mine" must be understood in this sense. This conclusion is not altered by Pope's testimony that he had the coal hauled from the mine to the railroad. The mere physical handling of the coal from the mine to the railroad cars by the purchaser does not alter the comprehended mode of transportation by a combination of methods, namely, first by truck to the railroad ramp, and then by rail.

Under these circumstances, the Examiner properly found that the transaction was a sale of coal for shipment by rail. However, even if, as District Board No. 12 contends, code member Haney did not so intend it, in my view, the Examiner's decision was nonetheless proper. I have already ruled in Dockets Nos. B-13, B-68, and B-69, to name a few, that where coal is shipped in part by rail to a retailer or consumer, it is essentially not a shipment to which prices established in the truck schedules apply. The prices established in the truck schedules apply only to shipments exclusively by truck. I find nothing in the exceptions that warrants my changing this position. Therefore, I conclude that Haney violated the order in General Docket No. 19, but that since this violation was not charged and the violation charged was not established, the complaint should be dismissed. The exceptions to the Examiner's Report are overruled and the proposed findings of fact and proposed conclusions of law of the Examiner will be adopted as the findings of fact and conclusions of law of the undersigned.

*Now, therefore, it is ordered,* That the proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

*It is further ordered,* That the complaint herein be, and it hereby is, dismissed, without prejudice.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
*Director.*

[F. R. Doc. 42-9815; Filed, October 2, 1942; 10:13 a. m.]

---

[Docket No. B-248]

WALTRIP AND SONS

CEASE AND DESIST ORDER, ETC.

In the matter of D. H. Waltrip, N. H. Waltrip, and D. H. Waltrip, Jr., individually and as co-partners, doing business under the name and style of Waltrip & Sons, code member.

Order approving and adopting the proposed findings of fact, proposed conclusions of law and the recommendation of the Examiner and cease and desist order.

A complaint, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on April 23, 1942, by Bituminous Coal Producers Board for District No. 9, alleging that D. H. Waltrip, N. H. Waltrip, and D. H. Waltrip, Jr., individually and as co-partners, doing business under the name and style of Waltrip & Sons, a code member, in District No. 9, had violated the provisions of the Bituminous Coal Code and the Rules and Regulations therein, and praying that the Division either cancel or revoke the code membership of code member or, in its discretion, direct the code member to cease and desist from violations of the Code or Rules and Regulations therein;

A hearing having been held before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Owensboro, Kentucky, on June 19, 1942;

The Examiner having made and entered in his Report Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in the matter dated August 27, 1942, in which it was found that code member wilfully violated section 4 II (e) of the Act and Part II (e) of the Code, which prohibits the sale of coal below the effective minimum price, by selling to Thurman Vanover of Utica, Kentucky, 82.40 tons of ¾" x 0 screenings (Size Group 14) produced at the Waltrip Mine, Mine Index No. 283, at a price of 37.5 cents per net ton, f. o. b. the mine, and that under the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments, the minimum price for such coal was $1.10 per net ton, f. o. b. the mine; and

The Examiner having recommended therein that an order be entered directing the code member to cease and desist from violating the Act, the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipment, and the Rules and Regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions and supporting briefs having been filed thereto;

The undersigned having determined after consideration of the record that the proposed findings of fact and proposed conclusions of law of the Examiner should be approved and adopted as the findings of fact and conclusions of law of the undersigned;

*Now, therefore, it is ordered,* That the proposed findings of fact and proposed conclusions of law of the Examiner be, and the same are hereby approved and adopted as the findings of fact and the conclusions of law of the undersigned;

*It is further ordered,* That D. H. Waltrip, N. H. Waltrip, and D. H. Waltrip, Jr., individually and as co-partners, doing business under the name and style of Waltrip & Sons, their representatives, agents, servants, employees, attorneys, successors, and assigns, and all persons acting or claiming to act in their interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum prices therefor and from violating the Bituminous Coal Act, the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipment, the Bituminous Coal Code and the rules and regulations thereunder;

*It is further ordered,* That the Division may, upon failure of code member herein to comply with this order forthwith, apply to the Circuit Court of Appeals within any circuit where the code member carries on business for the enforcement thereof, or take any appropriate action.

Dated: September 30, 1942.

[SEAL] DAN H. WHEELER,
*Director.*

[F. R. Doc. 42-9816; Filed, October 2, 1942; 10:14 a. m.]

---

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

LEARNERS EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manu-

facturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective October 1, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

*Apparel*

Ber-Wed Manufacturing Co., Inc., 729 East Elizabeth Street, Linden, New Jersey; Men's Underwear; 5 learners (T); October 1, 1943.

Crescent Neckwear Co., 355 Marietta Street, Atlanta, Georgia; Neckties; 5 learners (T); October 1, 1943.

Harvard Clothes, Inc., 211 12th Avenue, South Wisconsin Rapids, Wisconsin; Men's Suits, Topcoats and Overcoats; 5 learners (T); October 1, 1943.

Jacob Siegel Company, 317 North Broad Street, Philadelphia, Pennsylvania; Men's Overcoats; 5 percent (T); October 1, 1943.

*Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry*

Biberman Brothers, Inc., Northumberland, Pennsylvania; Daytime Dresses: 10 percent (T); October 1, 1943.

The Enro Shirt Company, 1018 S. Preston Street, Louisville, Kentucky; Men's Shirts and Pajamas; 10 percent (T); October 1, 1943.

J. Freeser & Son, Inc., Rural Retreat, Virginia; Men's Cotton Dress Shirts; 10 percent (T); October 1, 1943.

Halline Dresses, Inc., Sweetwater, Tennessee; Knitted Outerwear Garments; 1 learner (T); October 1, 1943.

Jean Sportswear Company, 718 Cherry Street, Philadelphia, Pennsylvania; Jackets, Skirts, Dresses and Blouses; 3 learners (T); October 1, 1943.

Kentucky Pants Company, Inc., 117 North Race Street, Glasgow, Kentucky; Work Pants; 10 percent (T); October 1, 1943.

H. W. Lawson Manufacturing Co., 745 South Los Angeles Street, Los Angeles, California; Rayon and Cotton Dresses and Flannelette Sleeping Garments; 6 learners (T); October 1, 1943. (This Certificate replaces the one issued to you bearing the expiration date September 21, 1943.)

Lemonde Corset Company, 902 Lapeer Street, Saginaw, Michigan; Girdles, Brassieres, Corselette, Front Lacing Corsets; 8 learners (T); October 1, 1943.

Mauch Chunk Dress Company, 268 West Broadway, Mauch Chunk, Pennsylvania; Dresses; 78 learners (E); April 1, 1943. (This Certificate replaces the one issued to you bearing the expiration date March 21, 1943.)

New Era Shirt Company, 901 Lucas Avenue, Saint Louis, Missouri; Shirts; 10 percent (T); October 1, 1943.

Oakdale Manufacturing Co., J. P. Williams, Receiver, Gate City, Virginia; Shirts; 50 learners (E); April 1, 1943.

Quaker City Pant & Overall Company, 421-27 Arch Street, Philadelphia, Pennsylvania; Pants, Overalls; 2 learners (T); October 1, 1943.

Rock Hall Manufacturing Company, Rock Hall, Maryland; Men's Shirts, Boys' Shirts; ten percent (T); October 1, 1943.

Rugby Knitting Mills, Inc., 1021 Main Street, Buffalo, New York; Windbreakers, Beachwear, Sports Lumber Jackets and Leisure and Fingertip Coats; 10 percent (T); October 1, 1943.

Boris Smoler & Sons, Crawford & Prospect Streets, Elkhart, Indiana; Wash Dresses and Mosquito Bars; 5 learners (T); October 1, 1943.

Style Kraft Shirt Manufacturing Co., Inc., 350 Rector Street, Perth Amboy, New Jersey; Men's Shirts; 48 learners (E); April 1, 1943.

*Gloves*

Carlinville Glove Company, Inc., Daley Street, Carlinville, Illinois; Work Gloves; 10 learners (E); April 1, 1943.

Carlinville Glove Company, Inc., Daley Street, Carlinville, Illinois; Work Gloves; 5 learners (T); October 1, 1943.

Fournier Glove Company, 18 Railroad Avenue, Patchogue, New York; Leather Dress and Work Gloves and Mittens; 3 learners (T); October 1, 1943.

Marcel Wagner Gloves, Inc., 95 Madison Avenue, New York, New York; Fabric Gloves and Leather Dress Gloves; 3 learners (T); October 1, 1943.

Mid West Glove Company, 1474 Milwaukee Avenue, Chicago, Illinois; Leather Dress and Work Gloves; 5 learners (T); October 1, 1943.

Proper Maid Silk Manufacturing Co., Inc., 3-5 Yeoman Street, Amsterdam, New York; Knit Fabric Gloves; 5 learners (T); October 1, 1943.

*Hosiery*

Beloit Hosiery Company, 206 Wheeler Avenue, South Beloit, Illinois; Seamless; 5 percent (T); October 1, 1943.

Bradley Full Fashioned Hosiery Company, Broad Street, Cleveland, Tennessee; Full-fashioned; 5 learners (T); October 1, 1943.

Burson Knitting Company, South Main and Cedar Streets, Rockford, Illinois; Seamless; 5 percent (T); October 1, 1943.

Chipman LaCrosse Hosiery Mills Co., Inc., East Flat Rock, North Carolina; Seamless; 5 learners (T); October 1, 1943.

J. A. Cline & Son, Hildebran, North Carolina; Seamless; 5 percent (T); October 1, 1943.

Fidelity Hosiery Mills, Inc., Shamokin, Pennsylvania; Seamless; five percent (T); October 1, 1943.

William J. Goodman—Hosiery Repair Shop, 21 North 9th Street, Reading, Pennsylvania; Full-fashioned; 5 learners (T); April 1, 1943.

Hafer Hosiery Mills, Valley Street, Hickory, North Carolina; Seamless; 5 percent (T); October 1, 1943.

Hickory Knitting Mills, Hickory, North Carolina; Seamless; 5 learners (T) October 1, 1943.

Lincoln Hosiery Company, Lincoln, Pennsylvania; Seamless; 5 learners (T); October 1, 1943.

The Nocturne Corporation, Willowbrook Avenue and Trade Street, Rock Hill, South Carolina; Full-fashioned; 5 percent (T); October 1, 1943.

Nolde & Horst Company of Tennessee, McMinnville, Tennessee; Seamless; 5 percent (T); October 1, 1943.

Ragan Knitting Company, 7 Cox Avenue, Thomasville, North Carolina; Seamless; 5 percent (T); October 1, 1943.

Renfro Hosiery Mills, Mt. Airy, North Carolina; Seamless; 5 percent (T); October 1, 1943.

Sulloway Hosiery Mills, Inc., River Street, Franklin, New Hampshire; Seamless; 5 percent (T); October 1, 1943.

Summers Hosiery Mills, Inc., 620 North Shaver Street, Salisbury, North Carolina; Seamless; 5 learners (T); October 1, 1943.

Willstrut Hosiery Mill, 16308 Foothill Boulevard, San Leandro, California; Seamless and Full-fashioned; 5 learners (T); October 1, 1943.

*Independent Branch of the Telephone Industry*

Central Iowa Telephone Company, Cedar Rapids, Iowa; to employ learners as commercial switchboard operators at its Belle Plaine, Iowa Exchange at 815 13th Street, Belle Plaine, Iowa; until October 1, 1943.

McLeod County Telephone Company, Glencoe, Minnesota; to employ learners as commercial switchboard operators at its Glencoe Exchange, located at Glencoe, Minnesota; until October 1, 1943.

*Textile Industry*

Mary Ann Mats, Inc., King Street, Calhoun, Georgia; Cotton; 5 percent (T); October 1, 1943.

Stehli & Company, Inc., Wolfe Street, Harrisonburg, Virginia; Rayon Throwing; 3 percent (T); Ocober 1, 1943.

Williams Banding Works, Ozark Street, Gastonia, North Carolina; Textile Bands; 3 learners (T); October 1, 1943.

Signed at New York, N. Y., this 29th day of September, 1942.

MERLE D. VINCENT,
*Authorized Representative of the Administrator.*

[F. R. Doc. 42-9310; Filed, October 1, 1942; 5:07 p. m.]

---

## CIVIL AERONAUTICS BOARD.

[Docket No. 319]

AMERICAN EXPORT AIRLINES, INC.

NOTICE OF FURTHER ORAL ARGUMENT

In the matter of the application of American Export Airlines, Inc., for approval by the Board of the control of American Export Airlines, Inc., by American Export Lines, Inc., a common carrier, under section 408 of the Civil Aeronautics Act of 1938, as amended.

The Board, by its order of September 23, 1942, having reopened the above-entitled proceeding for the purpose of further argument of the issues in said proceeding before the Board, and for the purpose of reconsidering the conclusions and findings of fact contained in the Board's opinion and order of July 30, 1942; notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said Act, that further argument in the above-entitled proceeding is now assigned to be held on October 19, 1942, 10 a. m. (Eastern War Time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D. C., before the Board.

Dated Washington, D. C., October 1, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
*Secretary.*

[F. R. Doc. 42-9811; Filed, October 2, 1942; 9:58 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[Order 4 Under § 1499.161 (a) (2) of Maximum Price Regulation 188[1]—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods (Other Than Apparel)]

MIDDLESEX COUNTY HOUSE OF CORRECTION

ORDER GRANTING ADJUSTMENT

For reasons set forth in an opinion filed simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, *It is hereby ordered:*

(a) The Middlesex County House of Correction, of East Cambridge, Massachusetts, may sell brushes, push brooms and mats at prices no higher than the prices appearing in the price list issued May 18, 1942, on file with the Office of Price Administration and with the Commissioner in Charge of Prison Industries at the State House in Boston, Massachusetts.

(b) This Order No. 4 under Maximum Price Regulation No. 188 shall become effective October 2, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9785; Filed, October 1, 1942; 3:27 p. m.]

[Order 1 Under Maximum Price Regulation 216—Railroad Ties]

WESTERN MARYLAND RAILWAY COMPANY

ORDER GRANTING ADJUSTMENT

On August 11, 1942, the Western Maryland Railway Company filed an application for adjustment of its maximum prices for the purchase of certain sizes of oak railroad cross ties. Such filing has been considered as an application for adjustment pursuant to § 1426.8 (c) of Maximum Price Regulation 216—Railroad Ties.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1426.8 (c) of Maximum Price Regulation 216, *It is hereby ordered:*

(a) The Western Maryland Railway Company may buy and receive and any person may sell and deliver to the Western Maryland Railway Company the sizes of oak railroad cross ties set forth below at prices not in excess of the following:

| *Sizes:*[1] | *Maximum prices* |
|---|---|
| 5 | $1.40 |
| 4 | 1.30 |
| 3A | 1.10 |
| 3 | .90 |
| 2 | .75 |
| 1 | .65 |

[1] Manufactured in accordance with the specifications for cross ties of the American Railway Engineering Association.

The above maximum prices include loading on cars at any delivery point on the Western Maryland Railway Company right of way;

(b) All prayers of the application not granted herein are denied;

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1426.10 of Maximum Price Regulation 216 shall apply to the terms used herein;

(e) This Order No. 1 shall become effective October 2, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9783; Filed, October 1, 1942; 3:27 p. m.]

[Order 12 Under Maximum Price Regulation 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket 3147-15]

OLIVER IRON AND STEEL CORPORATION

ORDER GRANTING PETITION FOR EXCEPTION

On September 3, 1942, Oliver Iron and Steel Corporation, Pittsburgh, Pennsylvania, filed a petition for an exception pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration has been given to the petition and an opinion in support of this Order No. 12 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and by § 1368.7 (a) of Maximum Price Regulation No. 147 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administrator, *It is hereby ordered:*

(a) Oliver Iron and Steel Corporation in ascertaining the maximum price it may charge for track bolts to be shipped from Pittsburgh, Pennsylvania, to Sidney, Nebraska, pursuant to Order No. 828 of the War Department, Office of Area Engineers, Sioux Ordnance Depot, and for track bolts to be shipped from Pittsburgh, Pennsylvania, to points outside of its usual market area pursuant to subsequent orders of the War Department, may calculate its delivery charge under Appendix C (§ 1368.14) of Maximum Price Regulation No. 147 from Pittsburgh, Pennsylvania, as an emergency basing point.

(b) The permission herein granted to the Oliver Iron and Steel Corporation is subject to the condition that a monthly report be filed with the Office of Price Administration stating (1) the amount of each shipment which has been made on an emergency basing point basis, (2) the points of shipment and delivery, and the governing and emergency basing points for such shipment, (3) the amount of freight that it would otherwise have been forced to absorb on such shipment, and (4) the name and address of the purchaser.

(c) All prayers of the petition not granted herein are hereby denied.

(d) This Order No. 12 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1368.8 of Maximum Price Regulation No. 147 shall apply to the terms used herein.

(f) This Order No. 12 shall become effective October 2, 1942.

Issued this 1st day of October, 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc., 42-9786; Filed, October, 1, 1942, 3:32 p. m.]

[Order 13 Under Maximum Price Regulation 147—Ferrous and Non-Ferrous Bolts, Nuts, Screws and Rivets—Docket 3147-14]

PITTSBURGH SCREW AND BOLT CORPORATION

ORDER GRANTING PETITIONS FOR EXCEPTION

On August 27, 1942, Pittsburgh Screw and Bolt Corporation, Pittsburgh, Pennsylvania, filed twelve petitions for exceptions pursuant to § 1368.7 (a) of Maximum Price Regulation No. 147. Due consideration has been given to the petitions and an opinion in support of this Order No. 13 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and by § 1368.7 (a) of Maximum Price Regulation No. 147 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, *It is hereby ordered:*

(a) Pittsburgh Screw and Bolt Corporation in ascertaining the maximum price which it may charge for track bolts to be shipped from Gary, Indiana, and Pittsburgh, Pennsylvania, to points outside its usual market area pursuant to orders of the War Department may calculate its delivery charges under Appendix C (§ 1368.14) of Maximum Price

[1] 7 F.R. 5873.

Regulation No. 147 from the applicable emergency basing point.

(b) The permission herein granted to the Pittsburgh Screw and Bolt Corporation is subject to the condition that a monthly report be filed with the Office of Price Administration stating (1) the amount of each shipment which has been made on an emergency basing point basis, (2) the points of shipment and delivery, and the governing and emergency basing points for such shipment, (3) the amount of freight that it would otherwise have been forced to absorb on such shipment, and (4) the name and address of the purchaser.

(c) All prayers of the petition not granted herein are hereby denied.

(d) This Order No. 13 may be revoked or amended by the Price Administrator at any time.

(e) The definitions set forth in § 1368.8 of Maximum Price Regulation No. 147 shall apply to the terms used herein.

(f) This Order No. 13 shall become effective October 2, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9784; Filed, October 1, 1942; 3:31 p. m.]

---

[Order 25 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 1148-84-P]

NELSON DAVIS & SON

ORDER GRANTING PETITION FOR ADJUSTMENT

On July 20, 1942, Nelson Davis & Son, Austin, Texas, duly filed a protest which the Administrator pursuant to Rule 33 of Procedural Regulation No. 1 is treating as a petition for adjustment filed pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 25 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) Nelson Davis & Son may sell and deliver, and agree, offer, solicit and attempt to sell and deliver Hormel's Spam at a price not in excess of $8.20 per case. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive Hormel's Spam at such price from Nelson Davis & Son.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 25 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(e) This Order No. 25 shall become effective October 1, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9782; Filed, October 1, 1942; 3:31 p. m.]

---

[Order 26 Under Maximum Price Regulation 148—Dressed Hogs and Wholesale Pork Cuts—Docket 3148-94]

HERMAN SAUSAGE FACTORY

ORDER GRANTING PETITION FOR ADJUSTMENT

On September 4, 1942, the Herman Sausage Factory, Incorporated, Tampa, Florida, doing business as the Herman Sausage Factory, Incorporated and the Florida Packing Company, hereafter referred to as the Herman Sausage Factory, Incorporated, filed a petition docketed as a petition for an adjustment pursuant to § 1364.29 (a) of Maximum Price Regulation No. 148. Due consideration has been given to the petition, and an opinion in support of this Order No. 26 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, *It is hereby ordered:*

(a) The Herman Sausage Factory, Incorporated may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds of wholesale pork cuts referred to in paragraph (b), at prices not in excess of those stated in such paragraph. Any person may buy and receive such kinds of wholesale pork cuts at such prices from the Herman Sausage Factory, Incorporated;

(b)

| | *Cents per pound* |
|---|---|
| Regular hams, fresh or frozen | 27½ |
| Regular hams, smoked | 29 |
| Skinned hams, fresh or frozen | 29½ |
| Skinned hams, smoked | 33 |
| Skinned shoulders, fresh or frozen | 26½ |
| Butts, bone in, smoked | 30½ |
| Loins, fresh or frozen | 29½ |
| Loins, smoked | 32 |
| Picnics, smoked | 25½ |
| Rib bellies, smoked | 22 |
| Rough rib bellies, smoked, rib and loin in | 25 |

(c) The permission granted to the Herman Sausage Factory, Incorporated in this Order No. 26 is subject to the following conditions: that the several prices specified in paragraph (b) shall apply only during the period April 1 to November 30, inclusive, of any year during which Maximum Price Regulation No. 148 is in effect and that during the period December 1 to March 31, inclusive, the maximum price at which the Herman Sausage Factory, Incorporated may sell or deliver or agree, offer, solicit, or attempt to sell or deliver and at which any person may buy or receive or agree, offer, solicit, or attempt to buy or receive from the Herman Sausage Factory, Incorporated each pork cut specified shall be the seller's maximum price for such cut as determined under the provisions of § 1364.32 of Maximum Price Regulation No. 148.

(d) All prayers of the petition not granted herein are denied.

(e) This Order No. 26 may be revoked or amended by the Price Administrator at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1364.32 of Maximum Price Regulation No. 148 shall apply to terms used herein.

(g) This Order No. 26 shall become effective October 1, 1942.

Issued this 1st day of October 1942.

LEON HENDERSON,
*Administrator.*

[F. R. Doc. 42-9781; Filed, October 1, 1942; 3:30 p. m.]

---

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-592]

NATIONAL GAS & ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 30th day of September, A. D. 1942.

A declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by National Gas & Electric Corporation, a registered holding company with respect to the reclassification of its authorized capital stock by changing its presently outstanding no par common stock having a stated value of $3,705,904.08 to the same number of shares of $5 par value common stock having an aggregate par value of $2,241,762.73, which declaration states that the proposed reclassification is to be effected by the adoption of amendments to the Certificate of Incorporation, as amended, of National Gas & Electric Corporation, and that, in connection with the proposed reclassification, National Gas & Electric Corporation will restate certain accounts to be effective as at March 31, 1942 and for the purpose of (a) creating a capital surplus in the amount by which its stated capital is reduced; (b) eliminating certain so-called assets now carried on its books; (c) writing-down its investments in two subsidiary companies; and (d) creating two reserves, namely, a reserve for investments in certain subsidiary companies and a reserve for possible unbilled expense charges incurred prior to March 31, 1942; and

Notice having been given by the Commission of the filing of said declaration by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act;

The Commission having considered said declaration, and it appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing

be held with respect to said declaration and that said declaration shall not become effective except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

*It is ordered,* That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on October 13, 1942, at 10:00 o'clock in the forenoon of that day, E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated by the hearing-room clerk in Room 318.

*It is further ordered,* That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at any such hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to National Gas & Electric Corporation and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with this Commission on or before October 9, 1942.

*It is further ordered,* That, without limiting the scope of issues presented by said application or declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed reclassification of capital by National Gas & Electric Corporation meets the requirements of section 7 of said Act;

(2) Whether the proposed reclassification of capital and the accounting adjustments in connection therewith to be made by National Gas & Electric Corporation (a) will result in an unfair or inequitable distribution of voting power among the holders of that company's securities or (b) will otherwise be detrimental to the public interest or the interest of investors or consumers; and

(3) Whether it is necessary for the Commission to attach any terms or conditions to any order permitting said declaration to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 42-9795; Filed, October 1, 1942; 3:43 p. m.]

---

[File No. 52-20]

NORTHWEST CAROLINA UTILITIES, INC.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of September, A. D., 1942.

In the Matter of O. M. Mull and John W. Perry, trustees of Northwest Carolina Utilities, Incorporated:

Notice is hereby given that an application for approval of a plan or reorganization of Northwest Carolina Utilities, Incorporated, a subsidiary of East Coast Public Service Company, a registered holding company, has been filed with this Commission pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935. The application was filed by O. M. Mull and John W. Perry, Trustees appointed by the District Court of United States for the Western District of North Carolina in a reorganization proceedings pursuant to Chapter X of the "Bankruptcy Act" and involving said Northwest Carolina Utilities, Incorporated. All interested persons are referred to said application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

East Coast Public Service Company owns all of the securities of Northwest Carolina Utilities, Incorporated, (except directors' qualifying shares), such securities consisting as at August 1, 1942, of $620,944.66 principal amount of First Mortgage Bonds with $78,800.34 of accrued and unpaid interest thereon and 1,000 shares of no par capital stock with a stated value of $544,420.66, all of which are pledged by East Coast Public Service Company to secure $1,896,500 principal amount of its First Lien Collateral 4% Bonds, Series A, due August 1, 1948. The proposed reorganization plan contemplates certain transactions which, when consummated, will bring about the complete liquidation and dissolution of Northwest Carolina Utilities, Incorporated, and the distribution of its assets among its creditors according to their respective rights and priorities. The plan proposes the sale of all of the properties of Northwest Carolina Utilities, Incorporated, (except, generally speaking, cash and securities, consumers' merchandise notes and accounts receivable, and any properties which are located outside the counties of Madison, Mitchell, and Yancey, North Carolina, which will be liquidated and the cash proceeds collected by said applicants) to French Broad Electric Membership Corporation at a base purchase price of $340,000, subject to certain adjustments. The proceeds of the above-mentioned sales, including an amount to be held by the Court pending adjudication of certain flood damage suits, will be applied to the payment (a) of all costs and expenses of the reorganization proceeding, (b) of the current indebtedness of Northwest Carolina Utilities, Incorporated, (c) of reasonable and necessary expenses incurred in the defense of a suit brought under the Fair Labor Standards Act by a former employee of Northwest Carolina Utilities, Incorporated, and (d) to City Bank Farmers Trust Company, Trustee under the Trust Indenture of Northwest Carolina Utilities, Incorporated, of the entire balance remaining which amount, together with all other funds held as Trustee, will be paid by said Trustee to East Coast Public Service Company, the holder of all of the outstanding bonds of Northwest Carolina Utilities, Incorporated. All of the securities of Northwest Carolina Utilities, Incorporated, will be returned to said company which will be liquidated and dissolved by the applicants.

The application states that the earnings of Northwest Carolina Utilities, Incorporated, are not sufficient to meet its current interest obligations, any payment on account of the accrued and unpaid interest on its outstanding First Mortgage Bonds, and the principal of its Bonds when and as the same mature. The application further states that in view of the operating problems of Northwest Carolina Utilities, Incorporated, its inability to finance improvements, and the requirements of Section 11 of the Public Utility Holding Company Act of 1935, the sale of its property seems desirable.

*It is ordered,* That a hearing on said application under the applicable provisions of said Act and rules of the Commission thereunder be held on October 14, 1942 at 10:00 o'clock, A. M., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing-room clerk in Room 318 will advise as to the room where such hearing will be held. Notice is hereby given of said hearing to the above-named applicants and to East Coast Public Service Company, and to all interested persons, said notice to be given to said applicants and East Coast Public Service Company by registered mail and to all other persons by publication in the FEDERAL REGISTER.

*It is further ordered,* That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered,* That without limiting the scope of issues presented by said application to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed reorganization plan is fair and equitable to the persons affected thereby;

(2) Whether the proposed plan is feasible;

(3) Whether the purchase price to be received by said applicants for the sale of the properties of Northwest Carolina Utilities, Incorporated, is reasonable;

(4) Whether the proposed use of the proceeds is detrimental to the public interest or the interest of investors;

(5) Generally speaking, whether the proposed plan may be approved by this Commission under section 11 (f) of the Public Utility Holding Company Act of

1935 and whether such plan is consistent with or complies with section 11 (b) thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-9793; Filed, October 1, 1942; 3:44 p. m.]

---

[File No. 59-56]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of September, 1942.

I

The Commission having examined the corporate structure of New England Gas and Electric Association, and its subsidiary companies, the relationship among the companies of the holding company system of New England Gas and Electric Association, the character of the interests thereof and the properties owned or controlled thereby, and the files and records of the Commission with respect thereto, and said examination having disclosed data establishing or tending to establish that:

1. New England Gas and Electric Association is a Massachusetts Voluntary Association formed under a Declaration of Trust dated December 31, 1926 (amended July 20, 1932), under which its Trustees hold investments in subsidiaries with properties operating in the States of Massachusetts, New Hampshire and Maine. New England Gas and Electric Association is a holding company, as defined in the Act, and is registered as such, pursuant to the provisions of Section 5 of the Public Utility Holding Company Act of 1935.

2. The subsidiary companies embraced in the holding company system of New England Gas and Electric Association, the states in which the businesses of such companies are conducted, type of business conducted, together with gross property accounts as of December 31, 1941, and their gross revenues for the year 1941, are as shown in the following schedule:

| Name of company | Location | Type of company | Gross property per books | Gross revenues |
|---|---|---|---|---|
| Appliance Credit Corporation [1] | Massachusetts | Service | | |
| Cambridge Electric Light Company | Massachusetts | Electric | $3,575,843 | $3,314,845 |
| Cambridge Gas Light Company | Massachusetts | Gas | 3,690,777 | 1,334,063 |
| Cambridge Steam Corporation | Massachusetts | Steam | 16,220 | 262,038 |
| Cape & Vineyard Electric Corporation | Massachusetts | Electric | 5,221,847 | 1,262,852 |
| Dedham and Hyde Park Gas and Electric Company. | Massachusetts | Gas | 922,782 | 292,775 |
| The Derry Electric Company | New Hampshire | Electric | 825,397 | 221,451 |
| International Power Company | Maine | Generating | 43,033 | 32,892 |
| Kittery Electric Light Company | Maine | Electric | 311,841 | 137,210 |
| The Lamphrey River Improvement Company | New Hampshire | Generating | 199,375 | 19,627 |
| Marion Gas Company | Massachusetts | Gas | 23,815 | 12,273 |
| Marlborough-Hudson Gas Company | Massachusetts | Gas | 522,341 | 137,000 |
| Milford Gas Light Company | Massachusetts | Gas | 211,453 | 63,094 |
| Negea Service Corporation | Massachusetts | Service | 93,863 | |
| New Bedford Gas and Edison Light Company | Massachusetts | Gas & Electric | 10,029,178 | 5,333,511 |
| New Hampshire Gas and Electric Company | New Hampshire | Electric | 4,115,035 | 1,215,003 |
| Plymouth County Electric Company | Massachusetts | Electric | 2,702,079 | 914,459 |
| Plymouth Gas Light Company | Massachusetts | Gas | 228,097 | 63,816 |
| Provincetown Light and Power Company | Massachusetts | Electric | 474,523 | 153,012 |
| St. Croix Electric Company | Maine | Electric | 334,841 | 82,734 |
| Western Hancock Electric Company | Massachusetts | Electric | 5,013 | 1,823 |
| Worcester Gas Light Company | Massachusetts | Gas | 9,899,105 | 2,223,374 |

[1] Merged with Negea Service Corporation May 1, 1942. (See Holding Company Act Release No. 3477.)

3. All of the subsidiaries named in paragraph 2 above, with the exception of Appliance Credit Corporation, Negea Service Corporation, and Cambridge Steam Corporation, are public utility companies within the meaning of the Act. Appliance Credit Corporation and Negea Service Corporation, as of December 31, 1941, were service companies for the New England Gas and Electric Association holding company system. Cambridge Steam Corporation is engaged in the distribution and sale of steam for heating purposes.

4. For the year ended December 31, 1941, the consolidated operating revenues of the New England Gas and Electric Association and its subsidiaries were as follows:

| | |
|---|---|
| Operating Revenues: | |
| Electric | $11,007,461.94 |
| Gas | 5,054,067.25 |
| Steam heating | 262,988.13 |
| Total operating revenues | 16,324,517.32 |

II

The Commission having been advised by its Public Utilities Division that the information set out in Part I hereof and other and further information contained in the Commission's public official files tends to show that:

5. The properties operated by the companies listed in paragraph 2 of this notice and order constitute more than a single integrated public utility system as defined by section 2 (a) (29) of the Act.

6. The properties operated by the companies listed in paragraph 2 of this notice and order constitute more than a single integrated public utility system and systems additional thereto, which may be retained under section 11 (b) (1) of the Act.

7. The assets of the holding company system are located in Massachusetts, New Hampshire, and Maine; the principal or "single" integrated public utility system, if any, of said holding company system is located in Massachusetts.

8. Under the terms of section 11 (b) (1) and especially Clause (B) thereof, New England Gas and Electric Association cannot retain any interest in public utilities operating in Maine.

9. The public utility companies operating in Massachusetts and New Hampshire constitute more than a single integrated public utility system and systems additional thereto which may be retained by New England Gas and Electric Association, pursuant to the provisions of section 11 (b) (1), and especially Clauses (A) and (C) thereof.

10. The business conducted by Cambridge Steam Corporation is not reasonably incidental, or economically necessary or appropriate, to the operations of any of the electric or gas utility systems operated by the companies named in paragraph 2 above which are located in Massachusetts or New Hampshire.

III

It, therefore, appearing to the Commission, in the light of the foregoing, that it is appropriate and in the public interest, and in the interest of investors and consumers, to institute proceedings against New England Gas and Electric Association, under section 11 (b) (1) of the Public Utility Holding Company Act of 1935, to determine whether certain orders should be entered pursuant to the provisions of section 11 (b) (1).

*Wherefore it is ordered,* That proceedings be instituted pursuant to section 11 (b) (1) of the Act and that New England Gas and Electric Association is hereby made the respondent herein, and that said respondent shall file with this Commission, on or before November 5, 1942, an answer admitting, denying or otherwise explaining its positions with respect to each of the factual allegations set forth in paragraphs 1 to 4 hereof, inclusive, and with respect to the allegations set forth in paragraphs 5 to 11 hereof, inclusive. Such answer may also include a statement by the respondent of its views as to what constitutes the "single integrated public utility system", if any, which it wishes to retain, and as to what additional systems and other businesses, if any, it believes can be retained with such system under the applicable standards of section 11 (b) (1). Such answer may also include a statement as to what action respondent deems to be necessary and appropriate and which it is prepared to take for the purpose of limiting the operations of its holding company system to a single integrated public utility system, together with such additional systems and other businesses as can be retained under the standards of section 11 (b) (1) of the Act.

*It is further ordered,* That a hearing be held on the 30th day of November 1942, at 10:00 o'clock A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on said day by the hearing room clerk in Room 318, at which hearing the respondent and any other inter-

ested persons shall be given an opportunity to be heard with respect to the matters hereinbefore and hereinafter set forth, and with respect to any issues raised in and matters presented by respondent's answer, and at which hearing the respondent shall show cause why an order or orders should not be entered, pursuant to section 11 (b) (1) of said Act, requiring the divestment of properties, securities and other assets for the purpose of limiting the operations of respondent's holding company system as required by the standards of section 11 (b) (1) of said Act, and for the purpose of determining what steps and what action is necessary for that purpose.

*It is further ordered,* That:

(1) At the outset of said hearing respondent shall show cause why an immediate order should not be entered requiring the divestment by the respondent of all its interests in those companies operating in the State of Maine;

(2) Thereafter there will be considered what action is necessary and should be taken in order to limit the operations of the holding company system of the respondent with respect to the properties located in the States of Massachusetts and New Hampshire, which may be retained under the applicable standards of section 11 (b) (1) of the Act, including specifically a determination (a) of the number of integrated public utility systems, if any, under the control of respondent within the States of Massachusetts and New Hampshire, (b) as to which of such integrated public utility systems, if any, is to be considered as the "single integrated public utility system" retainable under section 11 (b) (1) of said Act, and (c) of the extent, if any, to which additional integrated public utility systems and other businesses may, upon a proper showing, be retained under common control with any such single integrated public utility system under the applicable standards of section 11 (b) (1) of the Act.

(3) Consideration will also be given, and the respondent and other interested persons shall have an opportunity to be heard, with respect to the time and manner for disposition of any other issues which may be presented in these proceedings, particularly with respect to the appropriate procedure for expediting the determination of the issues herein.

*It is further ordered,* That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

*It is further ordered,* That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to the New England Gas and Electric Association, such mailing to be not less than 30 days prior to the date hereinbefore fixed for the filing of answers; and that notice is hereby given of said hearing to all companies hereinbefore mentioned by name in this order and to all other persons, including the security holders of New England Gas and Electric Association and of its subsidiaries, all States, municipalities and political subdivisions of States within which are located any utility assets of the respondent or of any of its subsidiaries or of any company hereinbefore mentioned by name in this order, all State Commissions, State securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over respondent, its subsidiaries, and such companies, or over any of the businesses, affairs or operations of any of them, and that such notice shall be given further by general release of the Commission, distributed to the press and mailed to the mailing list of the Commission for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the FEDERAL REGISTER, not later than thirty days prior to the date hereinbefore fixed for the filing of answers.

*It is further ordered,* That any person proposing to be heard in these proceedings shall file with the Secretary of this Commission, on or before the date hereinbefore fixed within which respondent may file its answer, an appropriate request or application to be heard as provided by Rule XVII of the Commission's Rules of Practice.

*It is further ordered,* That jurisdiction be and is hereby reserved to broaden the issues in this proceeding for the purpose of dealing with other problems presented under section 11 (b) (1) or other provisions of the Act concerning the holding company system of the respondent, and jurisdiction is also reserved to make other persons respondents in these proceedings or in any proceedings the scope of which is enlarged as aforesaid, pursuant to such further notice as the Commission may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 42-9794; Filed, October 1, 1942; 3:42 p. m.]